DOCUMENT RESUME

ED 179 906 CG 013 061

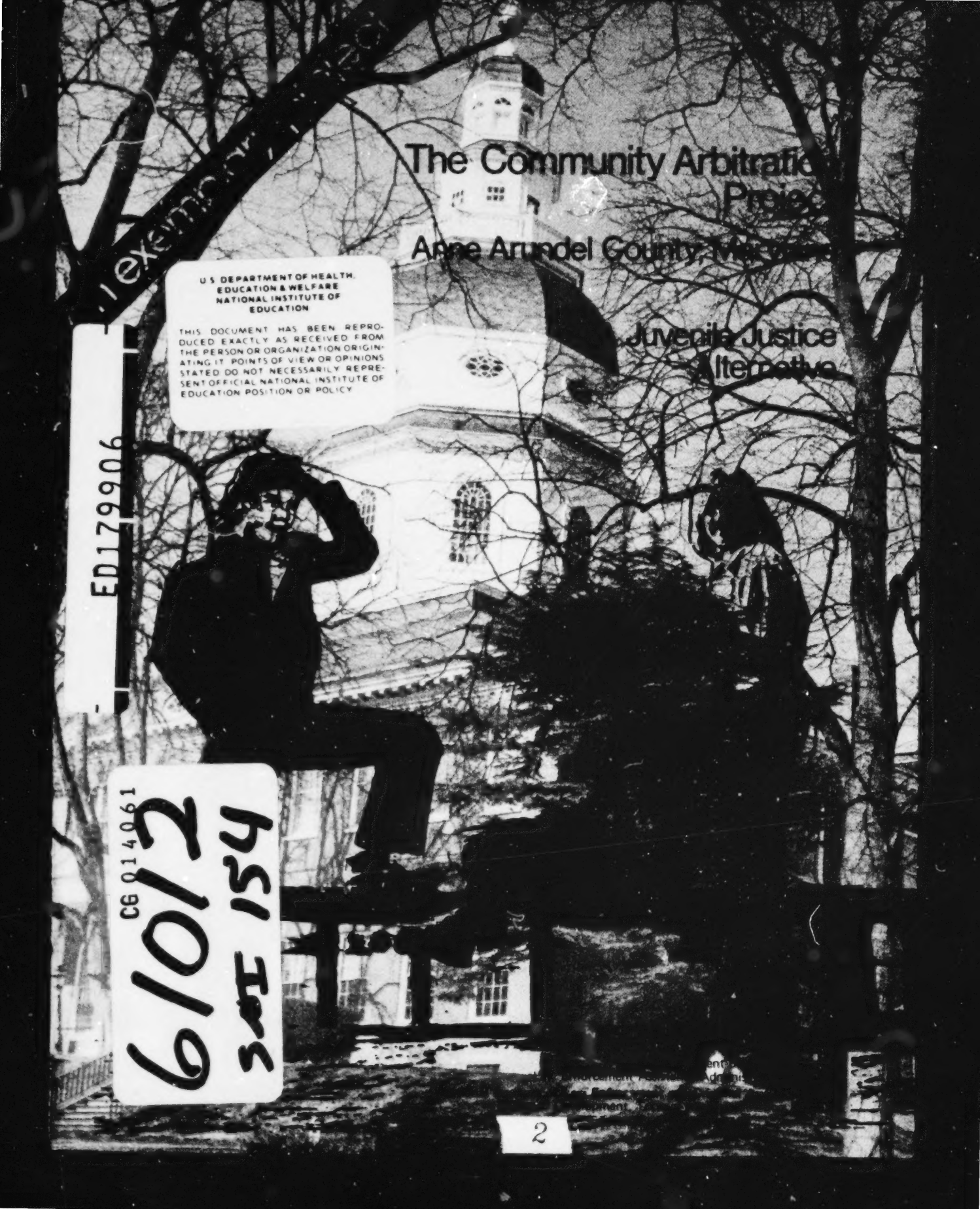
AUTHOR Blew, Carol Holliday: Rosenblum, Robert
TITLE The Community Arbitration Project, Anne Arundel County, Maryland.
INSTITUTION Abt Associates, Inc. Cambridge, Mass.
SPONS AGENCY National Inst. of Law Enforcement and Criminal Justice (Dept. of Justice/LEAA), Washington, D.C.
PUB DATE Sep 79
CONTRACT J-LEAA-030-76
NOTE 92p.: Pictures may reproduce marginally
AVAILABLE FROM Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (Stock No. 027-000-00845-3)

EDRS PRICE MF01/PC04 Plus Postage.
DESCRIPTORS *Arbitration: *Child Advocacy: *Community Programs: Community Resources: *Delinquents: Due Process: Justice: *Juvenile Courts: Legal Aid: Parents: Program Descriptions: Program Planning: Recidivism: *Youth Problems

ABSTRACT

This examines an exemplary project of community arbitration, a juvenile justice alternative. Essential elements of this project are described and include: (1) prompt case processing, (2) court-like setting, (3) involvement of victims, (4) assurance of due process, (5) use of community resources, and (6) constructive dispositions. Facets of CAP (Community Arbitration Project) discussed include development, organization and costs, operations, results, and summary of replication issues. This is a geographically specific project description: however, it could serve as a model or guide for communities nationwide, to be utilized by parents, youth, juvenile justice counselors and community members. (Author/BMW)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****



U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION

THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL NATIONAL INSTITUTE OF EDUCATION POSITION OR POLICY

ED179906

CG 014 061

61012
SHE 154

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

Henry S. Dogin, *Administrator*

Homer F. Broome, Jr., *Deputy Administrator for Administration*

NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE

Harry M. Bratt, *Acting Director*

The Anne Arundel County Community Arbitration Project is one of 29 programs which have earned the National Institute's "Exemplary" label. Programs may be proposed for consideration by the operating agency, local government or criminal justice planning unit, State Planning Agency or LEAA office. Those which present the most clear-cut and objective evidence of success in terms of each of the selection criteria are examined by an independent evaluator to verify their:

- Overall effectiveness in reducing crime or improving criminal justice
- Adaptability to other jurisdictions
- Objective evidence of achievement
- Demonstrated cost effectiveness

Validation results are then submitted to the Exemplary Project Review Board, made up of LEAA and State officials, which makes the final decision.

For each Exemplary Project, the National Institute publishes a range of information materials, including a brochure and a detailed manual. Publications are announced through the National Criminal Justice Reference Service. To register for this free service, please write: NCJRS, P.O. Box 6000, Rockville, Maryland 20850.

AN EXEMPLARY PROJECT

The Community Arbitration Project
Anne Arundel County, Maryland

by

Carol Holliday Blew
Robert Rosenblum

Prepared for the National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, U.S. Department of Justice by Abt Associates Inc., under contract number J-LEAA-030-76. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice.

U.S. Department of Justice
Law Enforcement Assistance Administration
National Institute of Law Enforcement and Criminal Justice
Office of Development, Testing and Dissemination

September 1979

CG 014061

For further information concerning the policies and procedures of the **Community Arbitration Project**, contact:

Kay Peacock
Project Director
Community Arbitration Project
Department of Juvenile Services
102 Cathedral Street
Annapolis, Maryland 21401
(301) 263-0707

For sale by the Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402

Stock Number 027-000-00843-3

TABLE OF CONTENTS

CHAPTER 1: INTRODUCTION 1
1.1 Essential Elements of the Community Arbitration Project 4
1.2 Benefits of the CAP 5
1.3 Costs 6
1.4 Starting a CAP in Your Community 7
1.5 Guide to the Manual 7
CHAPTER 2: DEVELOPMENT, ORGANIZATION, AND COSTS 9
2.1 Development 10
2.2 Organization 16
2.3 Project Costs 23
CHAPTER 3: OPERATIONS 25
3.1 The Arbitration Process 26
3.2 Informal Dispositions 35
3.3 Case Flow 41
3.4 Law and Operations 44
3.4.1 Statutory Authority 44
3.4.2 Due Process and Project Operations 47
3.4.3 Conclusion 53
CHAPTER 4: RESULTS 55
4.1 Reducing Recidivism of CAP Youths 56
4.2 Reducing the Burden on the Criminal Justice System While Enhancing the System's Impact on Youth 59
4.3 Involving Victims and the Community in the Juvenile Justice System 63
4.4 Conclusion 66
CHAPTER 5: SUMMARY OF REPLICATION ISSUES 69
5.1 Monitoring and Evaluation 72
5.1.1 Monitoring 72
5.1.2 Evaluation 75
5.2 Relationship with the Criminal Justice System 80
5.3 Project Operation 80
APPENDIX A: ANNE ARUNDEL COUNTY CITATION 83
APPENDIX B: NOTICE AND ADVICE OF RIGHTS 87

CHAPTER 1: INTRODUCTION

Sharon was caught shoplifting a sweater from a local clothing store. Jim was caught throwing rocks at a neighbor's house. Both are juveniles; both were charged with misdemeanors.

SHARON

Sharon was taken into custody and charged at the local police station. She was released in her parents' custody to await notification of further action.

Six weeks later...
Sharon just received her notification from the local Juvenile Services Administration: a cursory warning against future infractions and a suggestion that she seek counseling assistance. Sharon got off easy: her case could have been referred to the State's Attorney for formal adjudication. Meanwhile, however, she has "lifted" numerous items and has been caught again.

JIM

The responding police officer issued Jim a citation which scheduled him for an arbitration hearing the following week. His parents and his neighbor were also notified of the hearing and all voluntarily attended. Jim's parents brought an attorney with them to help if necessary. Jim admitted to having committed the offense and the arbitrator assigned him to 20 hours of volunteer community work to be performed within 30 days. Jim also agreed to pay $2 each week to his neighbor to replace the broken windows.

Six weeks later...
Jim has been working 1 hour every day after school, planting shrubbery around a new library. His neighbor reports that he has been making his restitution payments regularly.

The warning issued to Sharon as a result of the shoplifting offense has little meaning for her and many of her peers. It offers no redress for the victim and the community at large. Yet it is not an uncommon response from a juvenile justice system vastly overburdened with first or second misdemeanor offenders.

Jim's case, on the other hand, was referred to the Community Arbitration Project (CAP) of Anne Arundel County, Maryland. As a voluntary diversion program, CAP handles such cases as Jim's and Sharon's by means of an informal resolution process aimed at reducing the burden on the courts. At the same time, CAP adds to community resources by assigning juveniles to tasks that provide meaningful services.

A Closer Look at Jim's Case

The citation the police officer gave to Jim resembles a traffic ticket. It stated the offense and scheduled Jim for an arbitration hearing seven working days later. Copies of the citation were left with Jim's parents and his neighbor; another copy was attached to the police report and forwarded to the County Department of Juvenile Services.

When the report was received at Juvenile Services, the offense was checked against a list of offenses eligible to be heard by CAP. If the offense were not eligible for CAP, the traditional intake unit would handle the case. The intake worker's choices of dispositions were:

- drop the case (e.g., for insufficient evidence or lack of jurisdiction),
- turn it over to the State's Attorney for formal prosecution,

- investigate the case further or close the case with a warning,

- place the youth involved on informal supervision.

Jim's case was eligible so his file was forwarded to the CAP office and his hearing date entered on their calendar.

The arbitration hearing was conducted in a courtroom-like setting by an attorney with juvenile court experience. Jim's parents and their lawyer were present as was the neighbor. The arbitrator explained that informal supervision was entirely voluntary, that the proceedings were legally confidential, and that Jim had a right to counsel. If Jim preferred, or if he denied the charges against him, his case would be referred for formal processing by the State's Attorney.

Jim and his parents agreed to continue with the informal hearing. The arbitrator read aloud the police report of the rock-throwing incident. The neighbor was asked for her comments or other response. She noted that replacing her broken windows would cost about $25. When Jim was next asked for his comments he admitted his involvement.

The arbitrator then explained to Jim that his actions were harmful not only to his neighbor but also to the community in general. The fact that criminal offenses are technically wrongs against the state is difficult for many youths to understand. The arbitrator sought to help Jim understand the social as well as the legal implications of his offense. This lesson is reinforced by assigning Jim to do something beneficial both for his neighbor and for the community. Jim was assigned to 20 hours of volunteer community service work and ordered to pay $2 a week in restitution for 13 weeks.

Three days later Jim telephoned his field supervisor. They discussed Jim's interests and selected the library maintenance job from among several alternatives. Jim's case would remain "open" pending satisfactory completion of his assignment within 90 days. Should Jim's performance prove unsatisfactory, his case would be reviewed by CAP staff to determine whether to

forward it to the State's Attorney for formal prosecution or to refer it back to the field supervisor who would continue to work with Jim on the completion of his tasks.

1.1 Essential Elements of the Community Arbitration Project

- Prompt case processing. A swift response from the juvenile justice system--within seven working days--insures that the incident is fresh in the youth's memory. It also reduces the court's backlog of juvenile misdemeanor cases.

- Courtroom-like setting. Conducting the arbitration hearing in a courtroom-like setting impresses upon the youth the serious nature of his offense.

- Involvement of victims. This group, often excluded from juvenile hearings, is asked to attend the arbitration hearing. Their comments are solicited and considered by the arbitrator in making his decision.

- Assurance of due process. Four elements of the CAP program insure due process in all cases: First, the youth has a right to counsel at the arbitration hearing. Second, informal supervision through CAP is strictly voluntary; at any point in the proceeding the youth may request that his case be referred to the State's Attorney for formal processing. Third, all CAP proceedings are legally confidential, and although the results of the hearing are available to the courts at a subsequent dispositional hearing, they are never available at the adjudicatory hearing. Fourth, the community arbitrators are attorneys and are trained to recognize whether an alleged offense meets the standard of legal sufficiency.

- Use of community resources. Volunteer community service provides a positive work experience for youths and enables them to accept responsibility for their behavior. At the same time, it is a visible indication of redress for an act against the community.

- Constructive dispositions. Several options are available in addition to volunteer community service: restitution, counseling, special educational programs, or any combination. The arbitrator selects the disposition(s) most appropriate for the youth's offense. For example, youths who have violated motorbike laws are frequently assigned to a special motorbike safety program.

1.2 Benefits of the CAP

For Its Clients

In the project's first two years of operation, 4,233 youths were referred to arbitration. Nearly half (47 percent) of the cases were informally adjusted; only 8 percent were referred to the State's Attorney. Another 21 percent were denied for insufficient evidence and 19 percent were closed with a warning; 7 percent were either continued for further investigation or referred to traditional intake or probation.

Of the 1,137 youths who were assigned through CAP to community service and/or one of the other alternatives, 85 percent successfully completed their assignments within the prescribed 90-day period. Another 9.5 percent were unable to complete their assignments due to external circumstances such as weather or agency schedules.

Most importantly, CAP clients demonstrate significantly lower rates of repeat offenses than comparable youth who were processed traditionally. The project implemented an experimental design by which eligible youths, randomly selected for CAP treatment, were compared to eligible youths processed in the traditional manner in Anne Arundel County in 1975. The results were significant. The youths processed by CAP had a 4.5 percent lower recidivism rate and 37 percent fewer rearrests per client within one year after intake/arbitration.

RECIDIVISM OF CAP CLIENTS AND CONTROL GROUP

	Percent Recidivist	Rearrests per Client	Number of Cases
Traditional Processing	14.3	.659	342
CAP	9.8*	.415**	482

* Difference significant at p = .07
**Difference significant at p = .01.

For the Juvenile Justice System

Juvenile cases handled by CAP are now processed in 7 working days (in contrast to the 4-6 weeks of traditional processing), permitting early screening and dismissal of cases lacking legal sufficiency.

Moreover, since only 8 percent of arbitrated cases are turned over for prosecution, the State's Attorney's Office can concentrate more of its resources on serious delinquency cases. And the police are saved much of the time and paperwork involved in charging an offender and testifying in court.

1.3 Costs

The costs of the Community Arbitration Project are almost solely for salaries. In three years of Federal funding, approximately 90 percent of the total budgets ($57,611, $82,202 and $86,333, respectively) were for the salaries of seven project staff members. The additional staff would have been necessary in any event to reduce the backlog of cases in traditional intake. As a result of CAP's success in relieving much of that burden, the Juvenile Services Administration has reallocated several intake staff to a new CINS (Children in Need of Supervision) Unit.

1.4 Starting a CAP in Your Community

Clearly, the resources required to operate a Community Arbitration Project are few--a comprehensive listing of community service agencies and tasks, and personnel to hear the cases, supervise clients, and handle paperwork. In developing similar projects, particular thought should be given to due process concerns: insuring confidentiality in all hearings and guaranteeing accused youths the right to a court hearing if they prefer.

Most important, both the juvenile justice system and the community must be genuinely committed to the concept of voluntary community-oriented diversion of juvenile misdemeanants.

Sharon

When Sharon was caught for shoplifting the second time, her case was referred to the Community Arbitration Program. Both the store manager and Sharon's mother attended the hearing.

This time, disposition of Sharon's case was not just a warning. She was told that she must "pay" for her offense by donating some of her time to the community. For the next 6 weeks, Sharon will volunteer as a seamstress for the local hospital thrift shop.

1.5 Guide to the Manual

This manual presents a detailed description of the concepts, operations, and policies of the Community Arbitration Program. Succeeding chapters deal with the following subjects:

Development, Organization, and Costs

In 1973 a rapidly growing intake case backlog made it clear to Anne Arundel County juvenile justice officials that actions must be taken--and swiftly. The extensive planning process

that resulted in CAP implementation is detailed and the needs that CAP was established to meet are discussed. Staff organization and responsibilities are outlined and the costs of the program are examined.

Operations

The arbitration process is examined here from citation to informal disposition. Data are provided on the admitting offenses of CAP youth, demographics, and informal dispositions. The sections of the Maryland Code governing juvenile intake screening procedures and providing the statutory authority for CAP are detailed. In addition, Chapter Three includes a discussion of the due process issues surrounding the CAP process.

Results

In Chapter Four CAP's success in meeting its objectives is discussed. Evaluation methodology and results are analyzed and the project's experimental design is presented.

Summary of Replication Issues

In this final chapter, the critical factors necessary to replicate CAP are outlined and issues to consider in monitoring and evaluating such a project are highlighted.

CHAPTER 2: DEVELOPMENT, ORGANIZATION, AND COSTS

In 1973 the administrator of juvenile intake and probation services in Anne Arundel County confronted several management problems. Dramatic increases in juvenile complaints had created unmanageable caseloads for intake personnel and lengthy processing delays. It had become virtually impossible to screen juvenile referrals adequately or to fashion appropriate dispositions. Attempts to provide meaningful counseling or supportive services were hampered by the frequent and often lengthy delays between complaint and intake. According to the administrator, David Larom:

> *It appeared to me that any efforts we were making at intake might have little meaning to the child since we were seeing him weeks, even months after the arrest. And furthermore, the sheer volume of cases that we were seeing made it expedient to process a case as quickly as we could. Basically, I questioned whether what we were doing was of any benefit to the victim, the child, the child's family, and even the arresting officer.*

Criticism from the press and the public heightened the urgency to resolve these problems. The administrator and his staff began to explore various solutions that could be implemented quickly and that would not require substantial funding. Meetings were held with other juvenile justice personnel to learn their concerns and to solicit their cooperation on any steps that might be taken. In less than a year, the Community Arbitration Program was operating and providing a rapid, innovative means of handling eligible youth.

This chapter contains a discussion of the development of CAP and the implementation problems encountered by program planners. The project's organization and costs are also covered to provide background for subsequent discussions of specific program procedures.

2.1 Development

The Problem

The Juvenile Services Administration (JSA) is statutorily responsible for screening juvenile complaints, and providing informal and court ordered probation services, as well as institutional services for juveniles. JSA maintains an office for Anne Arundel County in Annapolis, the state capitol and the largest city in the county. Due to its proximity to Baltimore and Washington, D.C., Annapolis and the towns surrounding it have experienced substantial population growth in the past decade. The population of the county as a whole has also increased--gradually changing the county from semi-rural to suburban.

The intake division of the Juvenile Services Administration is required by the Maryland Juvenile Code to screen every complaint and to determine the relative needs of the child and the community.[1] This screening procedure is critical to the administration of juvenile justice for two reasons:

- First, it responds to the intent of the Juvenile Code to avoid stigmatizing the child by maintaining a treatment oriented approach.

- Second, by screening all cases and diverting over one-half from the court (cases may be dropped at intake for insufficient evidence or informally adjusted by an intake counselor), substantial dollar savings are realized.

However, in serving as the funnel for the entire system, the potential for overload looms high.

---

[1] Chapter 3, Section 3.4 sets forth the relevant sections of the Maryland Juvenile Code.

In the five year period of 1969 through 1973, juvenile charges in Anne Arundel County increased by over one hundred percent--from 1,261 charges in 1969 to 2,815. Rapid and efficient handling of cases became impossible. By necessity, the majority of juvenile cases were diverted at intake. Such cases would involve children who had been charged with a first or even second misdemeanant offense such as loitering, trespassing, disorderly conduct, shoplifting or petty larceny. Juveniles charged with such offenses were placed on informal supervision by intake counselors for a period of up to 45 days (the maximum allowable under the law). Occasionally, counseling or other services were recommended but generally little attention could be devoted to these cases by the five intake staff members. Instead, staff were focusing their resources on those youth charged with serious offenses or those with a long history of referrals.

For less serious cases, a letter was sent to the parents requesting their appearance with the child. Since the police record of the complaint was not received until several days after the incident and these cases were often earmarked as least important, appointment letters might not be sent until a month had elapsed. Eight weeks might have elapsed before the child was actually seen by the intake counselor. Furthermore, in an estimated twenty percent of these cases the parents were simply not bringing the child in for the appointment. When this occurred, the case was either turned over to the State's Attorney for action or, as was frequently the case, simply closed.

Of particular concern to the county administrator of the Juvenile Services Administration

> *...was the fact that we were meeting with youngsters weeks after a complaint had been made. There was a feeling among my staff that the youngster often saw no relation between a counseling session and an incident that he could barely remember. What's more we often suspected that the behavior that had led to the initial complaint might have continued in the meantime and that it was fairly futile to spend our time lecturing about something which might be continually occuring that we were simply not aware of yet. Basically, we felt that*

we were dropping too many cases because the parents and the child never showed up and that we were probably being rather ineffective with those that we did see.

At the same time, the public, and in particular the victims of juvenile offenders, began to voice substantial dissatisfaction with police and court procedures for handling juvenile offenses. This concern was expressed in several critical articles in local newspapers and provided further stimulus for reform.

The Solution

In response to the growing concern, the JSA county administrator, along with his supervisor, talked with a local circuit court judge who was interested in a California program he had recently read about that placed adult offenders on work assignments in the community. He wondered if this would work for juveniles. Information was obtained from California and the JSA county administrator, together with the State's Attorney for Anne Arundel County, developed a pilot plan for the CAP Program. Three program elements were central to this plan:

- immediate response by law enforcement officials through the issuance of citations;
- informal hearings with the Department of Juvenile Services within three days;
- opportunity for youths to provide redress of a constructive nature within the community (e.g., volunteer work in schools, parks or community agencies).

A background memorandum circulated among intake staff perhaps best expresses what CAP was intended to do:

Some plan must be devised to cope with these children's beginning criminal activities. Something must be done for their victims. It needs to be a swift, fair, educational experience for the child. An experience with impact and one which involves parents and victims. It should be streamlined, universally understandable (as opposed to the former system) and it should involve

society and the child in a mutually beneficial way. It has to be possible to implement within the existing juvenile laws. Perhaps an existing model for minor offenses can be used--the traffic court. Why not enable the police officer to write citations to all concerned to appear at Juvenile Services on such and such a day one week after the incident? Why not alter the intake setting from a private office to a court-like setting? A certain amount of formal decorum and even anxiety might have an impact on a child, especially a child who is beginning to test the limits of acceptable behavior. Within the parameters of the juvenile law governing intake, there should be a way to enable a child, on a voluntary basis, to repay any damage with some work as well as receive any counseling or referral services deemed necesary as is provided for in the law. Perhaps work in the community as a repayment to society, would enable a child to make up for a wrong against society, while affording the community the opportunity to do something positive for the child.

As the outline of CAP began to develop, the JSA administrator and his staff met regularly with representatives from the State's Attorney's Office, juvenile masters, and circuit court judges to ensure that CAP procedures were consistent with the intake process outlined in the Maryland Juvenile Code. Moreover, JSA staff recognized that it was vital to secure the support of these officials before the new concept could be successfully implemented. In a memorandum to the State's Attorney, the JSA administrator detailed the following example of program procedure:

John Doe walks into a private citizen's yard and when asked to leave responds with abusive language followed by a rock through the window. Police are notified, apprehend John, conduct an investigation, issue a citation to the boy and family to report to the "Juvenile Community Arbitrator" on a given date (within three days). Copies of citation and notice to appear go to parents and aggrieved citizen. All appear in the Juvenile Commissioner's Court on the scheduled day. After hearing the complaint, reviewing the police report, the "Juvenile Intake Commissioner" makes an informal adjustment based on the facts and his own professional opinion. If the child admits he committed

the act and chooses the Community Volunteer Program, he will be assigned to a community activity such as with the Park or Road Commission for X number of hours per week. (Other alternatives such as court costs, admonishments, referrals to other agencies, would need to be delineated.) If, however, the child maintains his innocence and if the offense is serious in the Juvenile Community Arbitrator's estimation, the case could be held for petitioning by the State's Attorney's Office for Circuit Court.

Meetings were held with the police departments of Annapolis, Anne Arundel County, and the Maryland State Police to inform them of the planned program and the citation process. Other county officials were briefed and the County Executive agreed to support the program.

A major consideration in planning the new program was how it should be staffed and what type of professionals should fill various roles. Originally, existing intake staff were slated to serve as the hearing officers. Later, however, program planners decided that a lawyer should fill the position. The assumption was that a lawyer in a court-like setting would provide the atmosphere necessary to impress upon the youth the seriousness of his behavior while at the same time protecting his rights. The program plan also called for additional staff to secure community placements for youth and to provide overall coordination. The qualifications established for these staff included skills in social work and, ideally, experience with local community organizations.

Since it might have taken as long as a year to secure additional slots and funds for CAP staff in the intake division, a grant application to fund the entire program was submitted to LEAA by late 1973. The name, Community Arbitration Project, was settled upon after several other suggestions were rejected. It should be noted though that CAP is not an arbitration program[2] according to the technical definition of arbitration.

---

[2] Arbitration hearings are conducted by an impartial decision-maker and typically involve all parties to the dispute. However, in the CAP hearings the incident will be settled even if the complainant fails to attend. For a detailed discussion

The State's Attorney's Office then drew up a list of misdemeanor offenses and several of the less serious felony offenses that would be eligible for CAP. This list of approximately thirty offenses has changed only slightly since the inception of the program. (See Chapter 3 for a copy of the list.) A letter describing CAP procedures and eligible offenses was sent to the local bar association by the State's Attorney so attorneys would be informed of the new process if any parents sought their aid.

A three phase implementation plan for CAP was devised to allow all the relevant officials to become thoroughly familiar with the procedures before the project was implemented. The plan consisted of the following phases:

- training of JSA intake staff in CAP policies and procedures;
- training of police officers in CAP procedures and the use of citation forms for CAP offenses; and
- recruiting of community organizations to serve as potential placement sites for youngsters.

Implementation

The JSA administrator spent several hours with intake staff explaining the planned operations and objectives of CAP. However, the latter two elements of the CAP implementation plan were considerably more time consuming. For a period of several weeks the administrator and intake supervisor attended roll calls at shift changes in each of the three participating police departments to explain the overall concept of CAP, how the citation was to be used, and which offenses required citations. Contacts were then made with various community agencies including Youth Service Bureaus and counseling agencies to interest them in accepting CAP clients for volunteer services. This task was relatively easy since JSA was well-known to these organizations and most were eager for volunteer resources and willing to provide the necessary supervisory services.

---

of arbitration see John G. Fall, "The Role of Arbitration in the Judicial Process" (San Francisco: Judicial Council of California, 1972).

The implementation plans also called for CAP youths, in some instances, to provide service to the victim--whether an institution or an individual. However, the concept of service to the victim was dropped within the first month or two of CAP operations. According to a CAP staff member:

> *Victims were not at all interested in seeing the kid again. Even those who attended CAP hearings let us know pretty strongly that they didn't want the kid around their property doing anything--whether it was was their home or company. We also had one or two organizations that put kids to work doing some pretty humiliating and menial chores.*

Although formal approval had not been secured for the grant, the JSA administrator decided to assign one intake counselor to act as a CAP arbitrator and to start preliminary operations by the end of 1973. The administrator was interested in testing the citation process and the new system of establishing appointments in less than a week. He was particularly eager to see whether the police would properly use the citations since in some instances they had indicated an uncertain, and even negative, attitude towards the new procedures. Within several weeks it became apparent that some officers were using the citations indiscriminately for all offenses while others were not using them at all. Hence, additional explanations were provided at several roll calls to the police departments. By the time LEAA funds were approved in April, 1974 the CAP process had been thoroughly tested and formal operations began as soon as the new CAP staff were hired.

2.2 Organization

The Community Arbitration Office is located on the ground floor of a renovated brick town house two blocks from the main office of the Juvenile Services Administration in Annapolis. Although CAP is no longer funded through grants and is now institutionalized as a component of the juvenile intake process, separate offices have been maintained to emphasize the different functions between CAP and traditional intake. CAP hearings, however, are conducted in a county annex building adjacent to JSA and the courthouse.

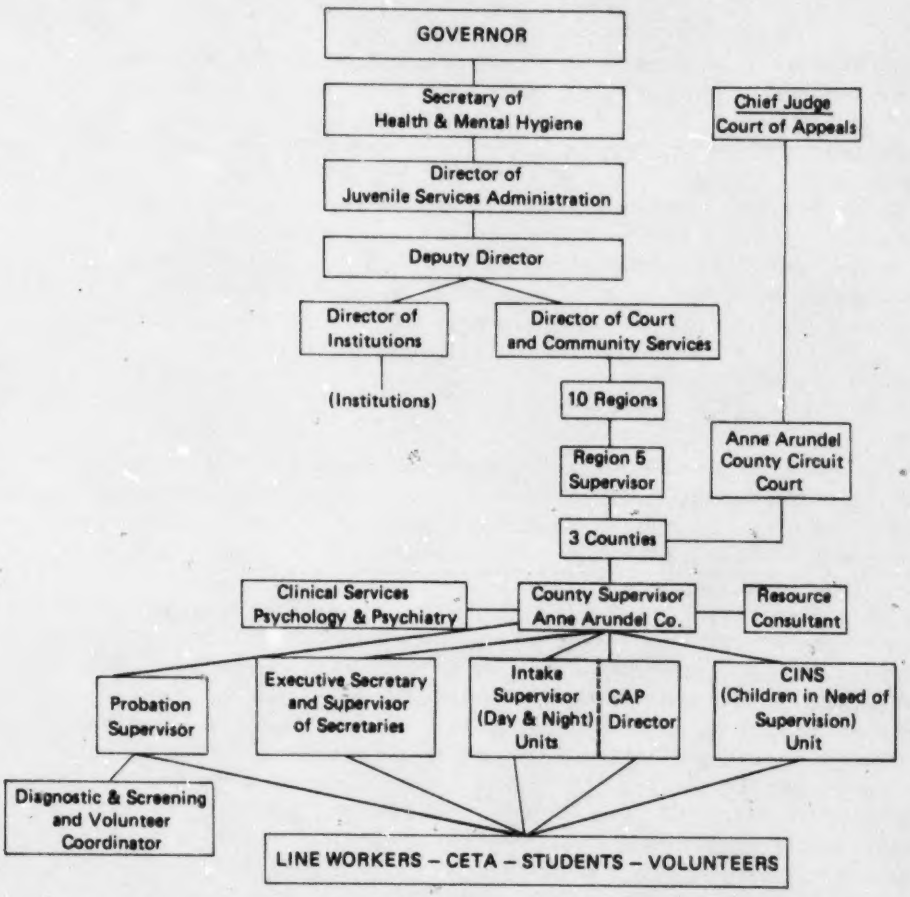
Figure 2.1 presents an organization chart describing the administration of juvenile services in Anne Arundel County and the state. As illustrated, the Juvenile Services Administration is a separate division within the Department of Health and Mental Hygiene. Within JSA is the Division of Court Services which is divided into regions and further subdivided by counties. Anne Arundel County is a region in and of itself. As shown, services and procedures are administered and carried out at the county level.

CAP is under the direction of the Anne Arundel County Juvenile Services administrator who is responsible for all JSA services within the county including intake, probation, and diagnostic services. Seven staff positions are funded by CAP and an additional four positions are funded through special county and federal grants. Since the inception of the program there has been relatively little staff turnover. One part-time position, however, was terminated when federal funds were no longer available. Project staff hold Maryland state civil service positions. Currently, CAP consists of the following staff:

- Project Director

The Project Director has a Master's Degree in Social Work and has held this position for three years. She is responsible for the program's day to day operation and meets weekly with the JSA county administrator to discuss program progress and plans. Her additional responsibilities have included developing relationships with community organizations for the purpose of placing youth in community service work or counseling (now primarily the work of the Community Liaison); maintaining relationships with community groups in order to increase ties between the program and community residents; maintaining the cooperation of the various police departments (now primarily the work of the Police Liaison), the State's Attorney's Office, the courts, and the local Juvenile Services Administration; supervising on-the-job training for staff; and providing counseling assistance as needed.

Figure 2.1
ORGANIZATIONAL CHART
JUVENILE SERVICES ADMINISTRATION


GOVERNOR
Secretary of Health & Mental Hygiene
Chief Judge Court of Appeals
Director of Juvenile Services Administration
Deputy Director
Director of Institutions
Director of Court and Community Services
(Institutions)
10 Regions
Region 5 Supervisor
Anne Arundel County Circuit Court
3 Counties
Clinical Services Psychology & Psychiatry
County Supervisor Anne Arundel Co.
Resource Consultant
Probation Supervisor
Executive Secretary and Supervisor of Secretaries
Intake Supervisor (Day & Night) Units
CAP Director
CINS (Children in Need of Supervision) Unit
Diagnostic & Screening and Volunteer Coordinator
LINE WORKERS – CETA – STUDENTS – VOLUNTEERS

- Community Arbitrators (2)

The Community Arbitrators are lawyers and each works two days per week. Originally, there was just one Community Arbitrator who worked five days per week but he found the schedule of hearings, which often ran ten hours per day, too demanding and requested that the job be split between two people. The arbitrators hear all cases coming to JSA on citations issued for CAP-eligible offenses; conduct the initial hearing with the youth, his or her family and, if possible, the complainant; and determine which of the several possible dispositions (discussed in Chapter Three) is appropriate.

- Field Site Supervisors (2)

Both Field Site Supervisors have been with the program since its inception. One of the workers has an associate arts degree and the other has the equivalent in college credit hours. Each had previous experience in juvenile service programs. The responsibilities of the Field Site Supervisors involve supervising and counseling assigned youth (approximately 100 youth per Field Supervisor); and visiting job sites to monitor youths' performance during the ninety day period of informal supervision. At the beginning of the program and during its first two years, the Field Site Supervisors were responsible for recruiting agencies to use as work placement sites.

- Police Liaison (CETA funded)

This position was established only a year ago and evolved from a study that was conducted of police attitudes towards CAP. (This study is discussed further in Chapter 4.) Informal findings of the study indicated that some police did not fully understand what CAP was trying to do and that some felt the program was too "lenient." As a result, a full-time staff member was hired to handle police complaints and questions and to keep them fully informed about CAP policies and procedures. Typically, meetings with police are periodically held during shift changes. In addition, the Police Liaison responds to police requests to locate services for youngsters in need of immediate services or attention.

The CAP staff meet regularly to discuss project operations and clients.

- Community Liaison (CETA funded)

This position is also a recently established one. The Community Liaison has a B.S. degree and experience providing similar services for a mental health clinic. Responsibilities include maintaining relationships with over one hundred agencies where youngsters may be placed and continually securing new placement opportunities. Agencies are also monitored to ensure that proper supervision is provided, appropriate tasks are assigned, and that youngsters are satisfactorily performing assigned tasks.

- Docket Clerk

The Docket Clerk works on a part-time basis when hearings are scheduled. His position is analogous to a court clerk and bailiff and he assists in managing and coordinating the volume of material related to the hearing.

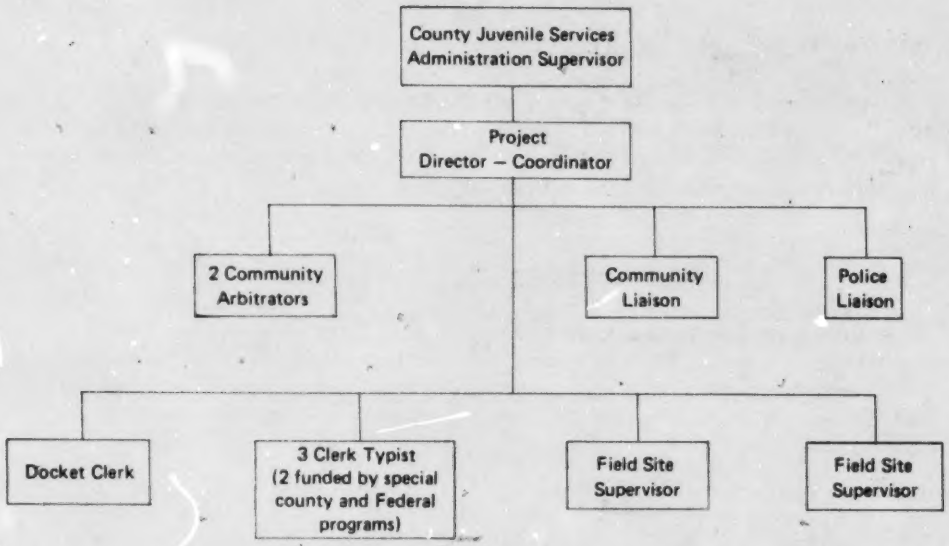
- Secretary-Clerk/Typist (3)

Only one position is funded under CAP. The other two are supported through federal and county work-experience programs. A secretary-clerk/typist prepares cases to be heard and secretarial assistants do the follow-up paperwork after cases are heard.

Figure 2.2 on the following page depicts the organization of the Community Arbitration Program. Under the original LEAA grant a social-worker research assistant was funded in addition to current staff. This individual was responsible for conducting a number of studies of the project which are discussed in Chapter 4.

Training sessions are routinely provided to staff and have included such issues as communication and role responsibility. Staff are encouraged to enroll in courses relevant to their job and are reimbursed for such courses by the State. Most have taken continuing education courses.

Figure 2.2
ORGANIZATIONAL CHART
COMMUNITY ARBITRATION PROGRAM



Volunteers (from the University of Maryland and local community colleges) have been used by CAP to a limited degree. Some graduate students have provided counseling to CAP youths and undergraduates have conducted a number of special projects. One volunteer wrote a brochure designed to aid victims which is handed out in the county courthouse. Another helped a small town obtain a grant for recreational equipment for its teenagers.

2.3 Project Costs

Total costs for the first three years of operation were as follows:

	Federal	State	Total
1974-75	$51,850	$5,761	$57,611
1975-76	$73,982	$8,220	$82,202
1976-77	$77,700	$8,633	$86,333

The Community Arbitration Project was institutionalized in the State budget in April 1977. Its operating budget for FY79 is $79,084 and includes the following specific items:

- Personnel salaries $70,494
- Rent 4,202
- Postage and telephone 2,148
- Insurance (covers youths at work sites in the event of injury or accident) 1,000
- Other 1,240

An examination of specific costs in the project's budgets over the years indicates that CAP is a prudent expenditure. The majority of project costs are for salaries which averaged 90 percent of the total CAP budget between 1974 and 1979. Understaffing in the intake division was a major factor contributing to the backlog of juvenile referrals prior to CAP; thus the cost of CAP personnel seems a most appropriate expenditure. In addition, the added CAP intake staff provide more attention to youths in these cases than would otherwise be provided. Indeed

the reduced burden on the intake system resulting from CAP operations has allowed JSA to reallocate some intake staff to create the special CINS (Children in Need of Supervision) Unit shown in Figure 2.1.

In 1978 the costs per case for CAP were estimated to be $30. Traditional intake costs for the same period on a statewide basis were estimated to be $37 per case. (Data for Anne Arundel County on a per case basis were not available.) While it would appear that CAP is more efficient in comparison to the intake division's case processing costs, it is probably not appropriate to compare CAP dollar savings with intake for several reasons. For example, CAP and the intake division perform different functions and have different objectives. Much of CAP resources are spent on trying to benefit youths and the juvenile justice system in non-pecuniary ways. Thus it is difficult to measure the cost savings resulting from changes in youth attitudes regarding the community and the law. Furthermore, it is difficult to determine what the marginal cost to the system would be in the absence of CAP. Clearly some positions were required prior to CAP and thus some of CAP's personnel costs would have been incurred even in the project's absence.

In sum, it appears that the cost of the project is for the most part the cost of the additional staff which were clearly necessary in any event to alleviate the burden on intake, which, in its backlogged state, was unable to adequately fulfill its statutory mandate. Moreover, the project offers, for a certain class of cases, more attention than would otherwise be provided through usual intake procedures, as well as a service to the community. Finally, the cost savings of police manpower and the unburdened intake system, while not computed, appear to be substantial.

CHAPTER 3: OPERATIONS

One girl enjoyed helping us run our Halloween program in the grade schools so much that she asked if I would mind if she came back and helped for another week!
--a Jaycee volunteer supervisor

I've had a lot of kids placed here because working with animals is always popular. I usually end up hiring one or two of them in the summer.
--Director of the Annapolis S.P.C.A.

I thought I might want to be a teacher so I asked my field site supervisor if I could work with kids. I ended up working in a home for handicapped children. I really enjoyed it because the supervisor gave me a lot of responsibility and listened to what I had to say.
--A youth assigned to CAP

CAP has tried to ensure that its concept of community service does not become one of simply forcing youths to perform menial clean-up chores. Instead every effort has been made to devise interesting placements and projects for youths--to the community's and the youth's benefit. In instances where the youth's background or nature of the offense indicate an obvious need, CAP will recommend counseling or an educational program. In this chapter the arbitration process is examined in operational and legal terms. The CAP concept of victim involvement in the hearing is outlined and community service placements are discussed.

3.1 The Arbitration Process

The Citation

City, county, and state police officers on duty in Anne Arundel County carry an Anne Arundel County juvenile citation booklet. Originally, the citations were to be used only for CAP-eligible offenses. However, after a year of issuing citations for CAP offenses, the police requested that citations be used for all juvenile charges. Since citations are signed by both the parent and the child at the scene of the incident or at the child's home, it represented a considerable time-savings over the previous process of transporting the child and the parent to the station house.

When the officer believes that a juvenile has committed an offense, he issues a citation (a copy of which is reproduced in Appendix A) similar in appearance to a parking ticket. It contains information regarding the juvenile, the time and nature of the offense, and the complainant's name. The citation notes that failure to appear may result in the filing of a petition and that counsel can be present at the hearing. Both the juvenile and a parent are requested to sign the citation and each retains a copy along with the victim. The complainant (if there is one) also receives a copy. The citation accomplishes several objectives:

(1) it emphasizes to the child and the parents that the child has been accused of an offense;

(2) the child, parent, and complainant are each notified that a hearing will occur at a specific time and place, and that each party will have an opportunity to be heard; and

(3) it states to all parties that what will be taking place is an important legal matter, carrying certain responsibilities.

At issuance, the officer dates the notice to appear seven working days hence. While initial plans had called for a time period of only three days, this soon proved infeasible since there was not

The CAP citation is presented to the youth's parent at home rather than at the police station.

enough time for CAP to receive copies of the police reports that might exist on a youth. A copy of the citation and the police report are forwarded to JSA, where the youth's referral offense is checked against the CAP list of eligible offenses (see Figure 3.1). If the offense is on the CAP list, these documents are forwarded to the CAP office, where the case is entered on the calendar for the appropriate date. Figure 3.2 diagrams the flow of cases to CAP.

Generally, civilian complaints comprise one-half of the complaints brought against CAP youths and the other half are issued by police officers. The table below provides information on the admitting offenses for a 25 percent sample of clients from May 1975 to May 1976.

Figure 3.3
ADMITTING OFFENSES OF CAP CLIENTS
MAY 1975-MAY 1976

Shoplifting	19.4%	(160)
Assault	15.9%	(131)
Destruction of Property	12.1%	(100)
Larceny	11.5%	(95)
Trespassing	10.3%	(85)
Disorderly Conduct	9.1%	(75)
Other	21.6%	(178)
	99.9%	824

The majority of offenses in the "other" category involved possession of alcohol.

The Arbitration Hearing

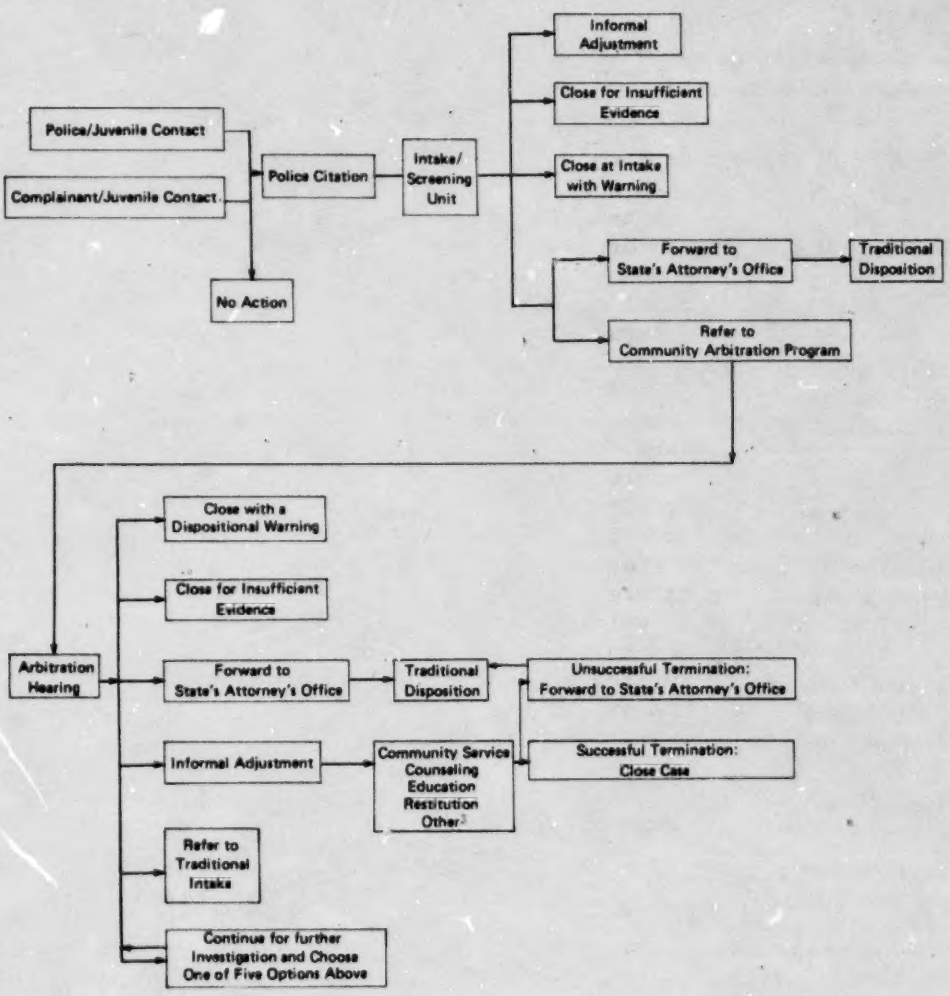
The arbitration hearing is conducted in a court-like setting which was deliberately chosen by the designers of CAP for several reasons. It visually emphasizes to the child that he has become involved with the juvenile justice system. The more formal setting of the arbitration hearing--in contrast to traditional intake hearings in intake offices--is presumed to enable the child to quickly comprehend the importance and meaning of the procedure with which he is involved.

Figure 3.1

OFFENSES SUBJECT TO HEARING BEFORE COMMUNITY ARBITRATION

1. Assault
2. Assault and Battery
3. Auto Tampering
4. Concealed Weapons Violation
5. Conspiracy
6. Cruelty to Animals
7. Desecration of State or National Flags
8. Destruction of Property
9. Disorderly Conduct
10. False Alarm
    a) Fire
    b) Burglary
    c) Other
11. False Statement to Police
12. Firearms Violations
    a) Discharging, 300ft. of residential are
    b) Other
13. Forgery and Uttering
14. False Pretense
15. Hitchhiking
16. Interfering with Public Servant in Line of Duty
    a) Police Officer
    b) Fireman
    c) Other
17. Indecent Exposure
18. Larceny under $100
    a) Shoplifting
    b) Other
19. Littering
20. Loitering
21. Phone Misuse/Harassment
22. Possession of Fireworks
23. Receiving Stolen Goods
24. Removing or Defacing Serial Numbers
25. Resisting Arrest
26. Traffic Violations
    a) Driving without license
    b) Reckless driving
    c) Unregistered vehicle
    d) Driving intoxicated
    e) Other
27. Trespassing
28. Unauthorized Use
29. Vandalism

Figure 3.2
FLOW OF COMMUNITY ARBITRATION PROGRAM CLIENTS



The arbitrator is provided the following information on each case before him:

- any witness statements,
- police report,
- copy of the charges, and
- copies of any prior intake or probation files that exist on the child.

The child is requested to sit alone in front of the arbitrator during the hearing. His parents are seated on benches behind him. The arbitration hearing, although held in the presence of the victim (should he or she choose to attend) is legally confidential and cannot be used or admitted into evidence in any subsequent criminal or civil litigation and juvenile court adjudicatory proceedings. This is explained to the child along with his right to counsel and right to refuse any arbitration decision. The child and parent are then asked to decide whether they would like to continue with arbitration. If they choose not to continue, the arbitrator can refer the case to traditional intake or to the State's Attorney's Office. The arbitrator discusses with both the child and his parents the "Notice and Advice of Rights for Arbitration Hearings" which explains that participation is voluntary, that the hearing and all relevant records are confidential, and that the child has a right to an attorney which will be provided by the state if the parents cannot afford to pay. (See Appendix B) If arbitration is chosen, the arbitrator will read the police report and then request the victim to explain his/her side. Lastly, the child is given an opportunity to speak.[1]

The arbitrator may make one of five decisions (Section 3.2.1 contains a description of these actions as mandated by the law):

---

[1] As discussed in Chapter Two, the CAP process does not involve arbitration insofar as the process and the results are not binding on the youth, and approximately 50% of the time the victim is not present. The arbitrator who is an officer of the court, represents the state.

The CAP hearing is designed to impress the youth with the seriousness of the charges against him.

- Close the case for insufficient evidence.
- Close the case with a dispositional warning.
- Forward the case to the State's Attorney for the filing of a petition.
- Informally adjust the case. In this case the child has admitted to the offense. The arbitrator explains that such an offense, if committed by an adult, would result in an arrest record and criminal conviction. Furthermore, the fact that a crime is an act not merely against the particular victim, but also against society at large is discussed. The child is then told that since he has done something harmful to society he needs to do something beneficial. He is then assigned a specific number of hours of community work, usually between 10 and 25 hours. In addition to community service work, counseling, restitution, educational program referral, or any combination of these may be assigned to the youth as part of his informal supervision assignment. His case is then left "open", to be closed upon a successful report [within 90 days].[2]
- The case can be continued for further investigation, after which time one of the above four alternatives is chosen.

Ninety-one percent of the juveniles appear for their first arbitration appointment. Another 4.5 percent appear at a second appointment. If the youth does not appear at the second appointment, the case is forwarded to the State's Attorney for further action. These figures represent a substantial gain over the previous system in which an estimated twenty percent did not respond to letters requesting an appointment. Moreover, CAP estimates that about 50 percent of the civilian complainants choose to come to the informal hearings. Previously, complainants were infrequently involved in the proceedings in any way. Police complainants rarely attend but at

[2] In July 1975 the Maryland Juvenile Code was amended and the length of informal supervision was extended from 45 days to 90 days.

the end of each month disposition sheets describing the CAP dispositions for that period are sent to each police department. In addition, individual letters are sent weekly to the police officers listing the case disposition. Civilian complainants also receive a letter detailing the results of the hearing. Both civilian and police complainants who are dissatisfied with the results of the hearing may request a review by the State's Attorney. CAP estimates that only a negligible number of complainants have exercised this option.

The CAP Caseload

Approximately one-half of the CAP cases are informally adjusted. The other half are closed after the full hearing with a dispositional warning, forwarded to the State's Attorney's Office for formal prosecution, or denied because of insufficient evidence. CAP estimates that only a small number of cases are referred to the State's Attorney or continued for further investigation. As of October 1, 1978, 9,352 youths had been processed through CAP. Data collected by CAP from its inception to March 1, 1976[3] showed that 4,233 youths were processed through arbitration with the following results:

- 38% were closed after hearing with a dispositional warning or denied for insufficient evidence.
- 8% were referred to the State's Attorney;
- 4% were continued for further investigation;
- 3% were referred to intake or probation; and
- 47% were informally adjusted.

Who are the youths referred to the Community Arbitration Program? According to CAP, the majority of youths are male, white, and 16 years or older. A sample of youths processed

---

[3] Since 1976, more than 50% of the cases have been informally adjusted and fewer closed with a warning. There is a slight upward trend in cases sent to the State's Attorney's Office and a slight downward trend in the number of cases denied for insufficient evidence.

through CAP in 1975 indicated that blacks comprised 25 percent of the referrals and whites 75 percent. Eighty percent of referrals were males. Only 22 percent of the youth were thirteen years old or younger, 35 percent were fourteen or fifteen years old, and the remaining 43 percent were sixteen or seventeen years old.

3.2 Informal Dispositions

The first step in the process of informal disposition is an acknowledgement of responsibility on the part of the youth. The arbitrator then explains that a mere warning will be insufficient; the youth knew before committing the act that it was wrong. However, the arbitrator agrees to leave the file open for a period of ninety days and not forward it to the State's Attorney provided the youth abides by the agreement made for informal supervision. He then assigns the youth a number of hours of work, usually ten to twenty-five hours of community work (the amount of work being determined by the severity of the offense and an appraisal of the youth's time availability), and assigns the case to one of the two field site supervisors. In an increasing number of cases, restitution to the victim is required. If there is an evident need for a particular kind of counseling, the arbitrator may assign the youth to a counseling program instead of or in addition to community service. Youths charged with motorbike or auto offenses are generally required to attend either a motorbike safety program or driver rehabilitation classes. At the end of the hearing, both the youth and the parent(s) sign a consent form confirming the agreement between the arbitrator and the youth for informal supervision.

Each youth is given a card with the CAP telephone number on it and the name of the field site supervisor assigned to his case. The youth is requested to call the field site supervisor three days after the hearing to allow enough time for the field site supervisor to receive the police report and the document detailing the required hours in community service, counseling or educational program or the restitution amount to be paid. Field site supervisors estimate that most of the youths call on the appointed day. If a youth does not call, the field site supervisor will contact him.

If a youth is assigned to community service work, efforts are made to encourage the youth to choose a placement based on personal interests or needs. If this fails the supervisor will provide a list from which the youth may select an assignment. Occasionally, a youth will already know where he would like to work so arrangements are made with the respective agency. The supervisor then serves as a liaison, making the first contact with the agency and arranging the working hours.

Bob, a 17 year old male with a prior referral record for disorderly conduct, was referred to the Department of Juvenile Services for the assault of a neighbor's teenage son. During the hearing, Bob acknowledged that he had assaulted the boy and also explained that there was a long history of animosity between the two. The neighbor and his son were both there and acknowledged that this was true but stated that Bob always escalated any incidents and that his continual harrassment had forced them to call the police. The arbitrator learned from Bob that he was the youngest of three children and lived with his divorced father. His school performance and attendance were poor and he had few friends. The arbitrator emphasized to Bob that he was beginning to develop a pattern of acting out anti-social behavior as demonstrated by his current and previous charges. The arbitrator discussed the sorts of actions that Bob could take when he was placed in a situation where his impulsive actions ended in police intervention. The arbitrator also recommended to the other boy that he try to stay away from Bob so as not to provoke any interactions. The arbitrator then assigned Bob to fifteen hours of community service and ten hours of counseling. In assigning the counseling, the arbitrator specifically suggested that it should focus on Bob's school problems.

Susan was referred to the Community Arbitration Program following a charge of shoplifting during the Christmas holidays at a major department store. She was seventeen, married, and had one child. Susan attended high school regularly. Her husband was attending college during the day and working at night. There was little money available for the family, and Susan explained that she would not have shoplifted had her economic situation been better. Susan admitted to the charges during the

arbitration hearing. The arbitrator stressed that shoplifting hurt the community, as prices were raised for everyone as a result of losses accrued by the store. The arbitrator asked Susan to "pay back the community" by working in a volunteer capacity in some activity that would help others. She agreed to do volunteer work. The arbitrator also requested that Susan receive some counseling to help her manage financially.

In arranging community service placements CAP encourages the youth to:

- choose the placement at which he will want to spend time;
- work with other volunteers or workers so that he feels he is volunteering with a group, not for a group; and
- work as close to his home as possible to alleviate transportation problems and to enable him to know his own community a little better.

Bob's field site supervisor discovered that Bob enjoyed carpentry. So he suggested that Bob might like to work at the Annapolis SPCA since a new director had been appointed and several renovations were being made. Bob agreed and contacted the director. When the director met with Bob, he was impressed by his knowledge of carpentry and suggested that he might like to design and build a summer shelter for puppies. Bob was enthusiastic and eventually ended up volunteering over 100 hours on this project. At the same time, he was referred to a Youth Service Bureau where he was placed in group therapy with other youngsters on a weekly basis. At first he was very hostile and sullen in the group discussion but gradually began to open up as he discussed his project at the SPCA. For Bob, CAP represented a chance to assume some responsibility and begin to act as an adult.

Susan contacted her field site supervisor three days after the hearing. At the time the counselor learned that Susan was interested in working with children, and he suggested that she search for a placement based on her interests. Susan contacted a center for emotionally disturbed children, and began carrying out her 20 hours of volunteer work. The supervisor discovered that there was no appropriate counseling agency in Susan's community, and began counseling her himself. Susan expressed confusion over a choice of occupation after high school graduation. The counselor helped her explore social work or occupational therapy as areas where she might acquire special training. Eventually, encouraged by her volunteer work experience, Susan settled on occupational therapy as a possible career.

At the end of the 90 day period of informal supervision, Susan was still actively involved as a volunteer and had completed more than 45 hours of work. She had also arranged to attend junior college after graduation from high school. Susan maintained contact with her CAP counselor, and recently confirmed that she was attending junior college.

Over one hundred organizations are used by CAP for community service placements. These include social service agencies (nursing homes, day care centers, Goodwill, recreation agencies); county and state agencies (schools, public libraries, fire departments); civic and community organizations (Jaycees, church groups); and other organizations such as the S.P.C.A. and local dramatic and arts organizations. CAP maintains a file on each organization that details the organization's requirements for accepting placements. For example, some volunteer associations do not like to supervise youths serving the minimum of ten hours since the supervision and training required make the placement more of a burden than a benefit. Nursing homes will not accept youths charged with drug abuse offenses since there are drugs for medication purposes on the premises.

In each organization CAP has one individual who serves as a liaison and who is familiar with CAP staff and its policies. The liaison reports to the CAP field site supervisors when a youth has completed his hours and signs a form documenting the completion. This form is then filed in the youth's intake file and the case is closed. When youths do not appear for their assignments, the liaison will report this to the CAP field site supervisor, who will then contact the particular youth to discuss the problem. Occasionally, if a youth is extremely dissatisfied with his work site placement a change will be made.

What are some of the services CAP youths have provided to community organizations? Here are a few examples in addition to those described above, that CAP has compiled in its six years of operation:

- Day Care Center--One girl continued with the agency past her required time, working with the center for an entire summer. She was then selected to work with retarded children for a special two week paid position.

- Nursing Center--One 14 year old girl originally assigned ten hours of community service, worked for fifty hours helping take care of patients before turning in her card to CAP. She went on to become a regular volunteer and selected nursing as a career choice.

- Youth Service Bureau--Agency staff were so impressed with one youth that he continued with the agency and was trained as a peer counselor. Two girls also continued past their assigned time and became hotline counselors.

- Red Cross--Youths have helped in many capacities--compiling kits for blood donors, registering donors, volunteering as swim aides in summer months, and providing typing assistance in the office. Two youths were awarded certificates of appreciation for their efficiency and help in mailing 3000 letters for the Red Cross drive.

A CAP volunteer assists in providing first aid care.

- Women's Civic Club--One youth, previously viewed as a community troublemaker, volunteered to work with the recycling center. When neighbors saw how polite and helpful he was, they began to readjust their opinions--now seeing him as an asset to the neighborhood.

If the arbitrator stipulates counseling for a youth the field site supervisor will usually visit the youth's home and meet with the youth and his family. Typically, the field site supervisor will try to gain an impression of the youth's:

- relationship with his parents,
- relationship with his peers,
- academic performance and interests, and
- situation that led to the CAP offense.

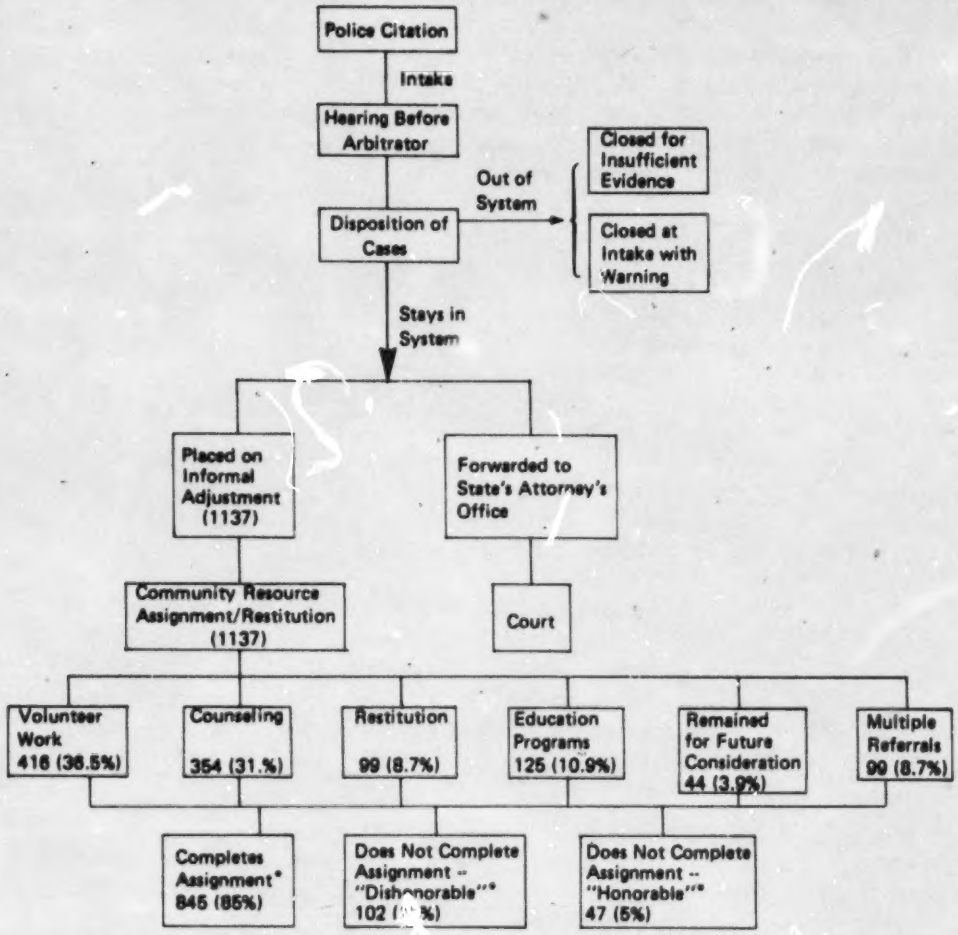
Based on this interview, he will refer the youth to an agency providing an appropriate type of counseling. Counseling agencies that are frequently used include the following:

- Youth Service Bureaus,
- traditional family and children counseling agencies,
- county mental health center,
- drug agency, and
- ecumenical ministry counseling program.

3.3 Case Flow

The flow and rate of the cases and various dispositions from April, 1974 to December 1, 1975 are displayed in Figure 3.4. As this figure notes, only 15 percent failed to complete the program, one third for reasons beyond the control of the youth. [The youths involved in these latter cases ultimately completed their assignments, but for logistical reasons (weather,

Figure 3.4
THE COMMUNITY ARBITRATION PROCESS
(and flow of those placed informal adjustment through November 30,1975)


Police Citation
Intake
Hearing Before Arbitrator
Out of System
Closed for Insufficient Evidence
Disposition of Cases
Closed at Intake with Warning
Stays in System
Placed on Informal Adjustment (1137)
Forwarded to State's Attorney's Office
Community Resource Assignment/Restitution (1137)
Court
Volunteer Work 416 (36.5%)
Counseling 354 (31.%)
Restitution 99 (8.7%)
Education Programs 125 (10.9%)
Remained for Future Consideration 44 (3.9%)
Multiple Referrals 99 (8.7%)
Completes Assignment* 845 (85%)
Does Not Complete Assignment -- "Dishonorable"* 102 (10.%)
Does Not Complete Assignment -- "Honorable"* 47 (5%)

* Based on 994 who were placed in either work, counseling, education, or restitution. Youths who have persistently refused to complete their assignments are discharged as "dishonorables" and referred to the State's Attorney's Office. Youths who had been unable to complete their assignments within the specified time period due to logistical reasons (weather, agency schedules, etc.) were categorized as "honorable non-completions" until completion of their assignments.

agency schedules, etc.) were unable to do so within the original ninety day period.] During this period a total of 416 youths accepted volunteer work assignments. A total of [illegible] participants did not complete their assignments, 20 due to reasons beyond their control. A total of 354 youths were referred to counseling. Of these, 280 (79 percent) successfully completed counseling. Successful completion is defined as either finishing the length of assignment or termination based on the counselor's opinion that further sessions were unnecessary. Of the 74 unsuccessful cases ten of the youths could not be assigned to an appropriate counselor and 64 failed to appear for appointments.

An additional 99 youths were ordered to pay restitution to the victim; 87 of the juveniles successfully made restitution, while the remaining 12 were referred to the State's Attorney for further action. The average value of restitution paid to the victim was $66.77.

Of the 125 youths assigned to educational programs, 74 were youths who had violated motorbike laws and were assigned to a motorbike safety program. Only five of these juveniles did not successfully complete the program. Of the remaining offenders, twenty-seven were ordered to visit juvenile institutions for educational purposes, nine youths completed Department of Motor Vehicles driver safety education courses, fourteen completed a course on gun safety offered by the National Rifle Association, and one wrote a report on the dangers of fireworks.

The Community Arbitration Program has provided these youths another chance and has also allowed the community to turn the resources and energies of its youths into positive and helping channels. The result is a new partnership between the community and its younger generation.

3.4 Law and Operations

As discussed in Chapter Two, the enabling legislation for the Community Arbitration Project is Title 3, Subtitle 8, of the Annotated Code of Maryland, Courts and Judicial Proceedings, Juvenile Charges (§§3-801 to 3-833).[4] Authorization for all CAP procedures had to be found within those sections of the Code and, further, the CAP procedures had to conform to the due process requirements of the Fourteenth Amendment as interpreted by the Supreme Court. The following sections discuss the statutory authority of CAP and the means by which the project attempts to achieve its objectives within the due process constraints mandated by the Constitution.[5]

3.4.1 Statutory Authority

The Maryland statute creating the statewide juvenile justice system requires that system involvement begin with a complaint filed with the county intake officer. It may be filed by "any person or agency having knowledge of facts which may cause a person to be subject to the jurisdiction of the court." Upon presentation of such a complaint, the intake officer is authorized to proceed in one of five ways:[6]

- Conduct further investigation into the allegations of the complaint; this must be done within 10 days of the filing of the complaint after which time the intake officer may proceed in one of the following four ways.

---

[4] For a discussion of the variety of and recent changes in state juvenile justice statutes, see Alan Susmann, "Practitioner's Guide to Changes in Juvenile Law and Procedure," Criminal Law Bulletin, Vol. 14, No. 4, 1978.

[5] For a more comprehensive discussion of legal issues pertaining to pretrial intervention generally, see Pretrial Intervention Legal Issues: A Guide to Policy Development (Washington, D.C.: American Bar Association, 1977).

[6] See section 3-810(b) Annotated Code of Maryland.

- Refuse authorization to file a petition; in effect the intake officer may drop the case. Reasons may include insufficient evidence or lack of jurisdiction. The complainant is entitled to file for review by the State's Attorney within 15 days; he, in turn, must either drop the case or file a petition with the court within 15 days.

- Authorize the filing of a petition; this action results in the case being given over to the State's Attorney's Office for commencement of adversary proceedings. The intake officer may proceed in this fashion if "he concludes that the court has jurisdiction ... and that judicial action is in the best interest of the child."

- Propose informal adjustment; it is this option which provides the Community Arbitration Project with the statutory authority to function. The salient sections [3-810(e) and (f)] are as follows:

  (e) The intake officer may propose an informal adjustment of the matter if based on the complaint, his preliminary inquiry, and such further investigation as he may make, he concludes that the court has jurisdiction but that an informal adjustment, rather than judicial action, is in the best interests of the public and the child. If the intake officer proposes an informal adjustment, he shall inform the parties of the nature of the complaint, the objectives of the adjustment process, the conditions and procedures under which it will be conducted, and the fact that it is not obligatory. The intake officer shall not proceed with an informal adjustment unless all parties to the proceeding consent to that procedure.

  (f) During the informal adjustment process, the child shall be subject to such supervision as the intake officer deems appropriate; however, no party is compelled to appear at any conference, produce any paper, or visit any place. The informal adjustment process shall not exceed 90 days unless that time is extended by the court. If all of the parties do not consent to an informal adjustment, or such adjustment cannot, in the judgment of the intake officer, be

completed successfully, he shall authorize the filing of a petition or deny authorization to file a petition pursuant to subsection (g).

- Close the case with a dispositional warning; this action results when the intake officer decides that the court has jurisdiction but that a warning to the youth at the conclusion of the hearing is in the best interests of the public and child.

Thus, key elements of informal adjustment as provided in the statute are: jurisdiction by the court, notice to the parties, voluntary acceptance of the process and the disposition by all parties involved, and a 90 day limit. In addition, as discussed earlier, successful completion of the informal adjustment process results in closing of the charges.

The procedures established by CAP were designed with these statutory requirements in mind. Thus the Circuit Court maintains concurrent jurisdiction of CAP cases and has the power to review and modify decisions made by the arbitrators when a case is appealed to the State's Attorney's Office. The youth, his parents, and victim, if there is one, are informed of the complaint, the CAP process, and their rights by the police officer who issues the citation. All parties are made aware of the voluntary nature of the program and are notified on the citation and at the start of the hearing of their option not to have their case heard by CAP and to pursue traditional intake. The youth and his parents also are given the opportunity at the hearing to reject the disposition and be referred to the State's Attorney's Office. Victims present at the hearing, or notified in writing if they are not present, may appeal the arbitrators' decision to the Circuit Court. All informal assignments made by the arbitrators are scheduled for completion within ninety days after the hearing.

The Maryland statutory provisions pre-dated CAP and the drafters did not specifically have the project in mind. However, the flexibility of the statutory language and the careful planning of project procedures have enabled CAP to operate without challenge to its statutory authority.

3.4.2 Due Process and Project Operations

Any youth screened for arbitration can freely choose to forego that process and be referred by the arbitrator to either traditional intake or formal court. Because of the voluntary nature of the Community Arbitration Project, challenges are unlikely to be raised regarding issues of due process.[7] Indeed, the courts have been reluctant to require that the due process rights (which In re Gault[8] made applicable to Juvenile Court proceedings) apply at intake and informal hearings. Paulsen and Whitebread note, for example, that "none of the courts which have addressed the question recognize a right to counsel at intake. The New York Family Court in In re S., 341 N.Y.S. 2d 11 (1973), held that a juvenile has no right to counsel at the informal intake conference held prior to judicial proceedings."[9] And some have argued that where acceptance of a hearing officer's decision is voluntary the principle of due process does not apply.[10]

Nevertheless, the Community Arbitration Project does dispose of cases involving juvenile misdemeanants which might otherwise be heard in court and, as noted above, it does impose sanctions against juveniles although the youth may reject them and be referred for possible formal court action. Furthermore, because of the alternatives faced by the youth and the quasi-judicial setting of the CAP hearing, some youths may find the process inherently coercive. Project personnel have thus purposefully sought to protect basic due process rights to which juveniles are entitled in juvenile court. These rights are discussed below.

---

[7] Due process challenges are typically infrequent regarding voluntary dispute resolution projects. See for example, Beha, Carlson, Rosenblum Sentencing to Community Service (Washington, D.C.: Government Printing Office, 1977), p. 31, and McGillis and Mullen, Neighborhood Justice Centers (Washington, D.C.: Government Printing Office, 1977), p. 70.

[8] 387 U.S. 1 (1967).

[9] Monrad G. Paulsen and Charles H. Whitebread, Juvenile Law and Procedure (Reno, Nevada: National Council of Juvenile Court Judges, 1974), p. 128.

[10] Professor Paul R. Rice of The Washington College of Law, American University, in a speech before the Conference on Alternatives to Litigation, Madison, Wisconsin, December 8, 1978.

Case Processing Time

Expeditious treatment of juvenile cases is important for several reasons in addition to basic fairness. For minor offenses, the preventive and deterrent objectives of the law can best be served by taking appropriate action as soon as possible after the offense. On the other hand, early screening and dismissal of trivial or unfounded cases avoids much unnecessary distress and potential bitterness on the part of the youth. The statutory interest of treating the youth without the stigma of official adjudication is also best served by hearing the case when it is fresh in the child's memory and without the anxiety and fear that might accrue during a six-week wait. Indeed, much of the early motivation for the development of CAP was generated from dissatisfaction with a juvenile justice system that required 4 to 6 weeks between the charge and intake hearing.

CAP has maintained a seven working day limit between issuance of a citation and the arbitration hearing. This is significantly more speedy than cases processed prior to CAP. CAP's seven working day limit is even more speedy than the 1976 Standards For The Administration of Juvenile Justice which recommended that a) the adjudication hearing be held within 30 calendar days after the filing of the petition for non-detained juveniles, and b) that the disposition hearing for juveniles adjudicated delinquent be held within 15 calendar days after adjudication.[11]

Right to Counsel

The U.S. Supreme Court held in the landmark case of In re Gault that representation by counsel is constitutionally required at juvenile delinquency adjudications. In addition the Court has recognized a right to counsel at any "critical stage" in the prosecution of a defendant where substantial rights of the

---

[11] U.S. Department of Justice, LEAA, Report of the Advisory Committee to the Administrator on Standards for the Administration of Juvenile Justice, September, 1976, p. 104. The longer period recommended before adjudicatory hearings is useful for preparation by counsel, but, because of the non-adversary nature of the arbitration process, is not necessary prior to CAP hearings.

defendant are affected.[12] And the ABA report on Pretrial Intervention Legal Issues suggests that,

> A defendant does have a substantial interest in the intervention decision, both because intervention could mean dismissal of charges if he/she elects to participate and because he/she may be electing to forego trial by jury and proof of his/her guilt in exchange for some supervisory control by the project. It thus, could be seen as a "critical stage" which would warrant assistance of counsel.[13]

However, representation by counsel seems not to be required at juvenile hearings which cannot result in loss of freedom by commitment.[14] The Supreme Court has not held representation by counsel to be among the fundamental rights inherent in due process protections. For example, in several cases the court specifically excluded the right to counsel as a due process requirement. These cases have involved a school suspension hearing,[15] a welfare denial hearing,[16] a prison discipline hearing,[17] a vehicle license suspension hearing[18] and an employment suspension hearing.[19] While these cases are procedurally and substantively different from a CAP hearing, they illustrate the Court's view of the right to counsel in a variety of administrative hearing cases and the potential utility of not requiring counsel. Indeed, the Court, in recognition of the philosophical and legal differences between formal and informal hearings, held that informal hearings regarding prison disciplinary cases do not require counsel since it "would inevitably give the proceedings a more adversarial cast and tend to reduce their utility as a means to further correctional goals."[20]

---

[12] United States v. Wade, 388 U.S. 218 (1967).

[13] Pretrial Intervention, p. 26.

[14] Report of the Advisory Committee, p. 126.

[15] Goss v. Lopez, 419 U.S. 565 (1975).

[16] Goldberg v. Kelley, 397 U.S. 254 (1970).

[17] Wolf v. McDonnell, 418 U.S. 539 (1974).

[18] Bell v. Burson, 402 U.S. 535 (1971).

[19] Connell v. Higginbotham, 403 U.S. 207 (1971).

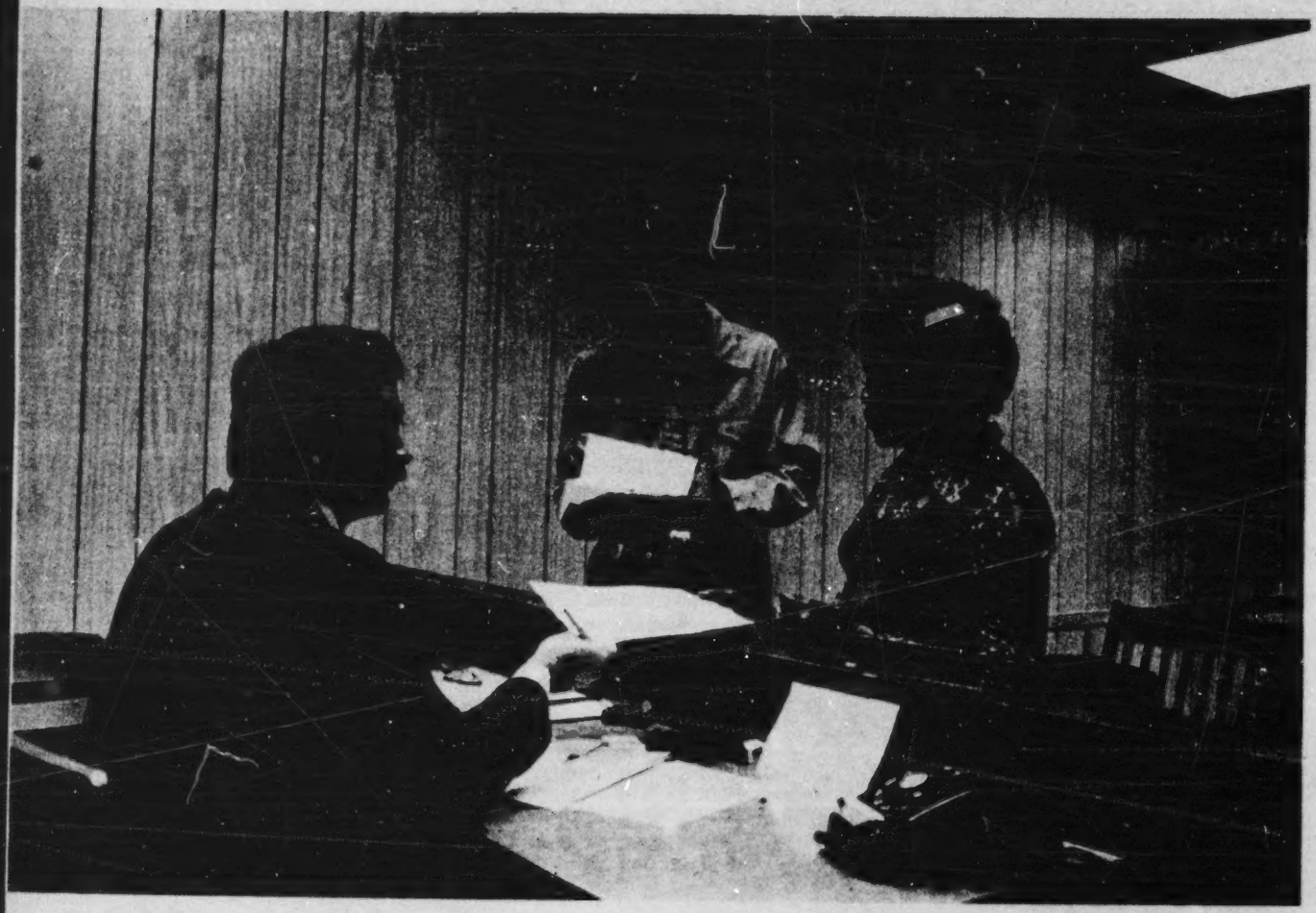
[20] Wolf v. McDonnell, p. 539.

Despite the fact that counsel may not be constitutionally required at CAP hearings, and in point of fact may detract from the goals of the arbitration process, the project may not affirmatively exclude counsel from the hearings. The Supreme Court in Goldberg v. Kelley held that in welfare denial hearings retained counsel must be allowed to attend and participate if the parties desire. Thus the right to counsel exists but the right is not so fundamental at such informal hearings as to require retained counsel's presence to meet the standard of due process.

The Community Arbitration Project hearings are not adversarial in nature. Although there may be some issues of fact, unless the youth admits his complicity, the case is transferred to the State's Attorney's Office for possible formal court action. Thus counsel is not viewed as necessary to present the youth's case unless the youth or his parents are incapable of speaking and understanding effectively for themselves. However, counsel is allowed, and the youth and the youth's parents are notified of their right to retain counsel both on the citation which notes their hearing date, and by the arbitrator at the hearing. Furthermore, the arbitrator explains to the youths and their parents that if they desire counsel but cannot afford one, the court will appoint an attorney at no cost to the family.[21] Although no records are kept on how many youths do retain legal representation, project staff estimate that the percentage is small and that most attorneys understand the project's goals and rarely play an active role in the hearings.

Because of the non-adversary nature of CAP hearings and the fact that counsel is not required, it is important to protect against the possibility of coercion and violation of the youths' rights against self incrimination. This is particularly important in juvenile hearings involving first time offenders who may be most susceptible to the coercive aspects of an official legal hearing. The Community Arbitration Project protects against coercion and involuntary self incrimination in two ways. First, the arbitrator emphasizes at the beginning of

[21] The arbitrator reviews the printed sheet given by the docket clerk to the juvenile and his parents entitled "Notice and Advice of Rights for Arbitration Hearings." A copy of this sheet is included in Appendix B.



The arbitrator explains the terms of the CAP agreement with the youth and his parent.

the hearing that the youth may choose not to have his case heard by CAP; the arbitrator would then refer it to either traditional intake or to the State's Attorney's Office for formal court action. If the youth at any time chooses to reject the arbitrator's decision, he may do so without suffering any legal sanctions other than possibly being referred to the State's Attorney on the original charge. Second, the arbitrator makes clear to the youth and the youth's parents (if present at the hearing) that the hearing is a closed hearing and nothing that is said can be used against the youth or even disclosed at any subsequent adjudicatory hearing.

Notice

The Advisory Committee Report on Standards For The Administration of Juvenile Justice recommends that youths be afforded prior notice of all adjudication proceedings and timely written notice of the allegations.[22]

CAP provides notice in two ways. First, the youth and the youth's parents are advised of the allegations by the police officer at the scene of the charging or at the youth's home. This is further detailed in the citation ticket which both youth and parent sign and retain. Also detailed on the ticket is the date, time and place for which the hearing is scheduled, the voluntary nature of the hearing and its proceedings and the right to retain counsel. In addition, the citation puts the youth and his or her family on notice that the child is being accused by the State of an offense and that the scheduled hearing is an important legal matter. Only nine percent of the juveniles have failed to appear for their first arbitration appointment.

Impartial Decision Maker

Perhaps the most fundamental element of due process is the right to an impartial decision maker. Insofar as the arbitration process serves as an alternative to traditional intake the impartiality of the arbitration decision maker must pertain to issues of legal sufficiency of the claim as well as issues of fact and appropriate disposition.

---

[22] Report of the Advisory Committee, pp. 125 and 189.

Traditional intake staff for the Maryland Juvenile Services Administration are trained workers with college degrees. They make the initial determination of legal sufficiency of claim against juveniles and forward cases deemed appropriate to the State's Attorney's Office. Lawyers in that office specializing in juvenile cases then review the intake worker's decision and can dismiss those cases for which the facts and allegations do not sufficiently support a cause of action. Only 11 percent of the youths processed through CAP were either referred to the State's Attorney or back to traditional intake. Thus the legal sufficiency of claims against youths entering the CAP process is determined in the great majority of cases exclusively by the arbitrator. In recognition of this and the growth of the attorneys' role in the delivery of juvenile justice, the project hired attorneys with experience in the juvenile justice system to serve as arbitrators. The project expected the arbitrators' legal training to influence their decisions and specifically to result in increased dismissals of cases for insufficiency of evidence.

In a study conducted by the project evaluator comparing traditional intake decisions with CAP arbitrator decisions, the following differences emerged: arbitrators were more likely to cite legal considerations (insufficiency of evidence, mens rea) for their decisions than were traditional intake workers (15.7% to 6.2%). Conversely, traditional intake workers mentioned prior record and offense classification for their decisions 51.6% of the time, against 30.5% for arbitrators.

3.4.3 Conclusion

Statutory and due process issues have been confronted by CAP, and program operations are carefully designed to stay within the letter and the spirit of the law. Since its inception CAP has never been challenged on legal or constitutional grounds. It has pursued its several objectives without threatening to exceed the limits imposed by Maryland law and at the same time provided a wide range of due process rights. The project recognizes the validity of the notions of juvenile justice inherent in the developing case law that:

1) Procedures essential to fairness ought not to be discarded because of rehabilitation aims and beneficent purposes.

2) To accord the fundamentals of due process will not, in truth, stand in the way of any legitimate goals of courts for children.[23]

[23] Paulsen and Whitebread, p. 20.

CHAPTER 4: RESULTS

The importance of monitoring and evaluating program operations is becoming increasingly recognized and understood by criminal justice practitioners. Without the careful and complete collection of information about project clients, operations and outcome, even the best of programs may be unable to determine its strengths and weaknesses or to adjust its activities to provide optimal services with available resources. In addition, most project funding agencies require basic record keeping procedures which provide at least minimum quantitative data regarding project operations.

The Community Arbitration Project has gone well beyond minimum monitoring efforts. It recognized at the outset that an independent evaluation was critical to assessing program impact and for convincing others of project success. Thus, shortly after project start-up an evaluator was engaged to assess the project's impact.

The CAP evaluator sought to measure project success in terms of how well the project's activities achieved its goals:

1. To reduce recidivism of CAP youths.

2. To reduce the burden on the criminal justice system (Juvenile Court, the State's Attorney's Office and the police) while enhancing the system's impact on youth.

3. To involve victims and the community in the juvenile justice system.

The data and measurement tools and the difficulties in assessing project success differed for each goal, but the evaluation was based on the types of information which should be easily accessible to similar projects. In the following sections we will detail the evaluation methods used and the results obtained by the CAP evaluator regarding each project goal. Additional monitoring techniques useful for assessing the impact of the Community Arbitration Project activities will also be discussed.

4.1 Reducing Recidivism of CAP Youths

Reducing recidivism is typically the most desired impact and the one most difficult to assess for many criminal justice programs. The Community Arbitration Project has evaluated its success in reducing recidivism among its clients by comparing the effect of the project with traditional intake. Randomly selected experimental and control groups were created to test the hypothesis that the CAP emphasis on expediting hearings, providing youth with a meaningful work experience and the opportunity to make restitution for their transgressions, and educating youth regarding the social implication of their offenses would reduce recidivism. That is, it was felt that youths passing through CAP would be less likely to be recharged than similar youths processed through traditional intake.

Specifically, the Community Arbitration Program was expected to affect recidivism by:

1. decreasing the total number of rearrests of project youth in the twelve months after program contact; and,

2. decreasing the average rearrest rate per project youth during the twelve months after program contact.

The control or traditional intake group consisted of every fifth youth who was charged for a misdemeanor in 1975 and who would normally appear at the arbitration hearing. The experimental, or CAP, group consisted of every fourth youth who

appeared in the Community Arbitration Project in 1975. In addition, a sample of pre-CAP (1973) records were selected for comparison with both the experimental and control groups to test for changes in recidivism caused by factors unrelated to project operations. After initial sample selection, forty youths appeared in two of the sample groups and eleven appeared in all three groups. These youths were excluded from the study. Youths who were non-residents of Anne Arundel County were also excluded due to the difficulty in checking their record.

Recidivism data were collected from official records at the Fifth Judicial Circuit Court (for two counties in addition to Anne Arundel), the Maryland District Court, and the Anne Arundel County Department of Juvenile Services, for three six-month periods before program contact and two six-month periods after program contact.

The experiment yielded some very significant results. CAP makes a difference: CAP youth are recharged less often than their counterparts who go through traditional intake. Figure 4.1 summarizes the number of clients experiencing recharging (recidivism) and the frequency of recharge in the twelve months following intake or arbitration. The findings in order of significance are:

- Property offenders are less likely to be recharged if treated by CAP than if they go through traditional intake ($p<.005$).
- CAP youths have a lower average recharge rate per youth than youths processed through traditional intake ($p=.01$).
- CAP youths overall are recharged less often than traditional intake youths ($p=.07$).

The average number of recharges for clients arrested at least once is about the same for each program (CAP = 4.2; traditional intake = 4.6) indicating that while the chances of a CAP client recidivating are significantly less than a youth treated by traditional intake, those CAP youths who do recidivate, do

Figure 4.1
RECIDIVISM OF CAP AND CONTROL GROUP

		Percent Recidivist		Number of Rearrests per client		Number of Cases[a]	
		Traditional	CAP	Traditional	CAP	Traditional	CAP
RACE:	White	14.4	10.2	.679	.450	277	373
	Black	16.9	8.3	.631	.284	65	109
SEX:	Male	17.6	11.8	.769	.497	290	382
	Female	1.8	2.0	.145	.090	55	100
AGE:	Under 14	12.3	5.4	.577	.224	130	223
	Over 14	16.7	13.5	.722	.571	216	266
OFFENSE:	person	12.3	12.3	.462	.476	65	73
	property	14.8	6.1[b]	.617	.299	162	244
	nuisance	20.0	14.1	.960	.570	75	128
	other	11.6	13.9	.672	.488	43	43
PRIOR RECORD:	yes	21.6	19.2	.936	.741	125	182
	no	11.3	3.9	.516	.218	221	307
TOTAL SAMPLE[a]		14.3	9.8[c]	.659	.415[d]	342	482

[a] Note: Variation in total number of cases is due to exclusion of missing data.

[b] Difference significant at p = .005

[c] Difference significant at p = .07

[d] Difference significant at p = .01

so as often as traditional intake youths who are recharged. In addition, no significant differences in the number of repeat offenses were shown when the 1973 traditional intake sample was compared with a composite of the 1975 samples. Thus, the effectiveness of CAP in reducing recidivism is attributable to the project, not to environmental or other systemic variables. This finding was reinforced by the persistence of differences between control and experimental groups on several dimensions (black and white, male and female, young and old) which tends to support belief in a real difference in results between the two groups.

Finally, the data suggest additional tendencies which support the hypotheses of program impact: 1) for youths with a prior record, the recidivism rate was lower if the charge-to-hearing time lapse was shorter; and, 2) various case dispositions that were used by the arbitrator to divert youths from court did not increase a youth's frequency of being charged for law breaking.

In sum, it appears that the Community Arbitration Project has reduced recidivism among its clients. The systematic evaluation of project and control group recidivism rates indicates a real difference between the groups in favor of CAP.

4.2 Reducing the Burden on the Criminal Justice System While Enhancing the System's Impact on Youth

When the plans were laid for developing the Community Arbitration Project, the Maryland Juvenile Services Administration was faced with several basic facts typical in many jurisdictions including:

--the average time between the charging and hearing was four to six weeks;

--the adversary nature of juvenile proceedings pitted the state against the youth and the youth's family and did not afford the opportunity to educate the youth regarding the social and moral implications of his offense;

--the busy court calendar meant that many juveniles committing misdemeanors would either be overlooked or simply released with a reprimand;

--the State's Attorney's Office and the Juvenile Court were required to process minor offenses which limited the time they could expend on the serious offender cases;

--the police were spending valuable time charging and transporting minor offenders to the station house.

The objective of several of the project operations and procedures was to alter these conditions or at least diminish their effects: in each case CAP has had a positive effect. In some instances the project achieved its objective merely by implementation of project operations and procedures. For example, when the police issue a CAP citation to a youth and the youth's parents, the hearing date is noted on the citation. As a matter of procedure that date is seven working days from the date of issuance. This standard operating procedure, by its very existence, helps to substantially reduce the time between the charge and hearing, for those youths eligible for CAP.

The implementation of project procedures also assured an improvement in providing youthful offenders with a social and moral perspective on their behavior. The arbitration process by design, involves a discussion between the youth and arbitrator about the individual's obligation to society and the significance of the violations of those obligations. Arbitrators are lawyers and rely on their legal training and experience with juveniles in determining the appropriate approach in each case. General principles of social obligation and citizenship are discussed, although the extent and detail varies from case to case. The emphasis in the arbitration hearing is on the significance of the wrong or harm done and the responsibility of the youth to correct the wrong or do restitution.

In order to assess the CAP impact on client perceptions a questionnaire was administered to 200 juveniles charged with a misdemeanor. Approximately half were assigned to traditional intake and half to the Community Arbitration Project. They

were approached immediately after the hearing and if the youths and their parents agreed, they were interviewed at that time. The responses are instructive although since the two groups were not systematically matched or randomly selected the differences should not be viewed as conclusive. The results appear to indicate a departure by the arbitrators from an "offender-oriented" correctional ("He wanted to change me") approach to one focusing on the specific act--sometimes its damages, sometimes on the sufficiency of evidence or culpability. For example, 31.1% of the CAP respondents indicated that they were told to repair the damages they caused compared to 6.1% of the traditional intake respondents. Only 2.9% of CAP respondents reported being instructed to go to court compared to 5.1% of traditional intake respondents. Further, assessment of the discussions between arbitrators and youth might include qualitative measures of the content of the dialogue and a comparison of attitudes of youths processed through CAP with those of youths processed through traditional intake.

The impact of CAP on the court and State's Attorney's Office also appears to be impressive. For example, CAP records indicate that:

- 30.6% of CAP youth had their cases dismissed because of lack of sufficient evidence. Before CAP, traditional intake dismissed 4.1% of the cases for insufficient evidence.

- 24.5% of CAP cases are closed with a warning and 7.2% are forwarded to the State's Attorney's Office for consideration as formal court matters. Prior to CAP, 75% of traditional intake cases were forwarded to the State's Attorney.

These figures suggest that CAP has sought to protect against widening the net of the juvenile justice system by carefully assessing the sufficiency of evidence and informally disposing of misdemeanor cases. However, it is important to note that without controlling for such variables as changes in police activities, population size and make-up, quantitative and qualitative changes in youthful offenses, etc., conclusions regarding CAP's impact on court and State's Attorney caseload remain speculative.

Finally, the impact of CAP on the police was evaluated. Data for the study were collected from several sources including open-ended interviews with police administrators and supervisors and two waves of structured interviews with patrolmen. The major changes in police procedure resulting from CAP are:

- the use of citations completed at the scene rather than the former complaint forms filled out at the station house;
- notification of complainant in addition to notification of youth and youth's parents;
- elimination of police presence at hearings.

Most respondents to the police questionnaires indicated that these changes resulted in significant time savings in making a juvenile charge, doing paper work, and time spent in court. Fewer respondents perceived time savings resulting from CAP in the areas of handling complainant questions and time spent traveling (see Figure 4.2).

Some patrolmen are spending more time traveling and handling complainant questions because of the requirement that copies of citations be issued to complainants. Prior to CAP, complainants or victims were not sought out and formally invited to attend the hearings.

Figure 4.2
PERCEIVED CHANGES IN TIME SPENT ON JUVENILE CASES BY POLICE AFTER CAP IMPLEMENTATION

Question	Number of Respondents	More Time	Less Time	The Same Time
How much time does it take to make a juvenile arrest?	84	7%	68%	25%
How much time to do paper work?	86	9%	57%	34%
How often do you handle complainant's questions?	85	13%	15%	72%
Time spent traveling?	85	13%	42%	45%
Time spent in court?	87	2%	92%	6%

As stated in the evaluation report, police were enthusiastic about the savings in time and most (92.7%) of the 55 police who answered the question about how they used saved time reported that it was not used for juvenile work. Of the 34 men who were even more specific about their use of saved time, 30 indicated they used the time to increase preventive patrol activities. A typical comment was, "I am able to patrol more in troubled areas," and "...time saved can be used for extra patrol, thereby decreasing crime."

One of the net effects of the simplified charge process is an estimated nineteen percent increase in the number of juveniles referred by the police to the Juvenile Services Administration. As noted in the evaluator's report:

> While it is not possible to say with certainty why the rate of referral of youth has increased so much since arbitration began, there is some evidence that police may be warning fewer youths themselves. The interviews and questionnaires administered to police indicate that they want the initial decision about how to handle a juvenile removed from their jurisdiction in some instances.

One of the apparent effects of this increase in police referrals and decrease in simple warnings is a significant increase in the number of cases denied by intake workers. In 1973 only 4.1% of all referred cases were denied by intake workers; that figure rose to 30.6% in 1975. It is unclear how much of this increase is due to inappropriate police referrals and how much is due to CAP's careful scrutiny of the sufficiency of evidence, or some other unknown condition.

4.3 Involving Victims and the Community in the Juvenile Justice System

CAP's emphasis on restitution and educating youthful misdemeanants about the role of law in society is carried through by its placement of clients in community service jobs. These placements are intended to serve the dual function of instilling

CAP volunteers provide service to the community.

a sense of community in the youth and fostering interactions between the youths and members of the community. The variety of placements and types of restitution assigned to CAP youth are detailed in Chapter Three. Many of the placements involve CAP youths with volunteer workers and community leaders. The interactions of these citizens with CAP youth help educate them as well as the juveniles under their supervision. Besides benefitting from the services of the CAP youth, the community agencies and volunteers develop a better understanding of the needs and problems of young people and often provide support and encouragement which greatly enhances the CAP experience. Indeed several agencies report instances in which CAP youth have continued to volunteer their services after they have completed their CAP assignment. The work experience and interpersonal relationships motivate some youth to spend their free time helping others.

CAP has also sought to involve the victims of misdemeanors in the process. It was expected that victim satisfaction would increase by encouraging victims to attend and participate in CAP hearings. In order to assess the effect of CAP on victim attitudes the project administered two sets of questionnaires (one immediately after the hearing and one six months after the hearing) to victims involved in traditional intake hearings and victims involved in CAP hearings. Eighty percent of the victims questioned had no prior contact with the juvenile justice system and had made no prior complaints regarding the youth involved with their victimization. A majority of the victims reported that they had suffered no monetary loss (51.9%) and no physical harm (67.1%). And the majority of victims (58.9%) reported missing at least one day of work in order to attend the hearing.

Using the data collected from the victim survey a multiple regression analysis was conducted to test the significance of the differences in victim attitudes and perceptions following the hearing. Comparisons were made on six factors: types of offense, offender sex, offender age, offender race, type of hearing (arbitration or traditional intake), disposition of the case, and whether or not the victim attended the hearing. The analysis indicated no significant differences among the two victim groups. These findings seem not to support the project's expectation that the arbitration process would cause victims to

view the juvenile justice system more favorably. However, these findings do suggest that the CAP's increased diversion of misdemeanant youths from formal court, and the increased denial of cases based on insufficient evidence, do not negatively affect victims' attitudes and perceptions of the juvenile justice system.

4.4 Conclusion

The need for rigorous research and monitoring of project activities and their impact is widely recognized. As stated in the 1978 report by the Board of Directors of the National Association of Pretrial Services Agencies:

> From their inception, diversion programs should make provisions for ongoing review of their efforts. . . A delivery system or individual program eventually suffers when the claims which it makes remain unsubstantiated or when the results proffered can be easily attacked. More specifically, pretrial diversion has been criticized by many observers because good research does not exist to validate the concept. Such criticism, if it continues is bound to have an impact on local agencies.[1]

Among the strengths of the Community Arbitration Project has been its commitment to extensive data collection and careful monitoring and analysis for the purposes of measuring progress and identifying program components that might be improved upon. Data collection must be continuous during the life of the project. Early project monitoring is crucial in order to assess progress, but the full impact of the project may not be evident until several years of data are available. Thus an early recidivism study based on the first year data of CAP and a six month follow-up indicated little or no project effect on recidivism. However, by extending the follow-up period

---

[1] Performance Standards and Goals for Pretrial Release and Diversion: Pretrial Diversion (Washington, D.C.: National Association of Pretrial Services Agencies, 1978), pp. 117-118.

to one year the project's impact on recidivism was shown to be significant, as described above. In addition, basic monitoring provides project directors with information critical for understanding project operations and informed decision-making. Data analysis and project evaluation afford project directors the opportunity to determine project impact and realistically present the value of the project to oversight agencies and the public.

CHAPTER 5: SUMMARY OF REPLICATION ISSUES

The Community Arbitration Program combines two increasingly popular juvenile justice concepts: diversion at intake prior to formal processing, and restitution in the form of community service. In 1973 the National Advisory Commission on Courts advocated the universal establishment of juvenile intake units and, in particular, stressed that in juvenile cases "...less significance should be attached to deterrence" and that "...there should be a greater willingness to screen or divert juvenile offenders."[1] Similarly, in 1976 the National Advisory Committee on Juvenile Justice and Delinquency Prevention set forth the following broad standard: "States and units of local government should develop programs that divert children from the juvenile justice system."[2] In the commentary on implementation of this standard, the Committee recommended that diversion programs should focus on involving the child in community agencies and activities to the greatest extent possible.[3] The proliferation of juvenile diversion programs and national associations in the past decade indicates that juvenile justice policymakers and officials have increasingly heeded this goal.

---

[1] U.S. Department of Justice, LEAA, Courts. National Advisory Commission on Criminal Justice Standards and Goals (Washington, D.C.: Government Printing Office, 1973), p. 296.

[2] U.S. Department of Justice, LEAA, Juvenile Justice and Delinquency Prevention: Report of the Task Force on Juvenile Justice and Delinquency Prevention (Washington, D.C.: Government Printing Office, 1976), p. 142.

[3] Ibid., pp. 142-143.

Requiring offenders to make restitution to their victims through financial reimbursement or service to the community as a whole is an old concept that is being frequently applied today. A 1978 survey of 133 randomly selected juvenile courts indicated that courts frequently require restitution.[4] A study in 1977 of nineteen restitution programs (one of which was CAP) found that eight other programs required community service and that thirteen others, of the nineteen, involved the victims at some point in the process as does CAP.[5] The authors of this study also observed that: "...while arguments can be made for or against victim involvement...little empirical evidence exists to support either position."[6]

From the survey of the 133 juvenile courts, fifteen programs were selected for detailed examination--one of which was CAP. Figure 5.1 provides information on the design of these programs; the programs' relationship to the courts; how the restitution plan is developed; and what type of personnel supervise the offenders. As indicated, CAP is classified as an offender accountability/victim assistance model. This is defined as a program that does involve victims but does not consider their involvement an essential element in the development of the restitution plan. Eight of the fifteen programs encourage victim-offender interactions and eight also allow the victim to present his view of the incident in person.

In sum, it appears that several of the integral components of the Community Arbitration Program have become widely accepted and are, in fact, being replicated. Potential replicators must consider, however, not only the design and operations of CAP but also the need for monitoring and evaluation, the legal aspects (see Chapter Three) and the necessary relationships with law enforcement and juvenile justice officials. These factors are summarized in the following sections.

---

[4] Peter R. and Ann L. Schneider, An Overview of Restitution Program Models in the Juvenile Justice System. (Unpublished study conducted by the Institute of Policy Analysis for the National Institute of Juvenile Justice and Delinquency Prevention, LEAA, 1978.)

[5] Joe Hudson, Bert Galaway and Steve Chesney. "When Criminals Repay Their Victims: A Survey of Restitution Programs," Judicature, February 1977.

[6] Ibid., p. 320.

Table 5.1[1]
CHARACTERISTICS OF PROGRAMS

PROGRAMS	Court Control & Autonomy	DEVELOPMENT OF THE PLAN: Special Victim Interview	Negotiation of Plan	Encourage Face-to-Face Meeting	Community Account. Panel	Case Management by
I. BASIC MODELS						
1. Alameda County	Probation	Letter	No	No	No	Probation
2. Santa Fe	Probation	Usually	Usually	No	No	Probation
3. Topeka	Judge & Intake	No	No	No	No	Judge/Secretary
4. Denver	DA & Probation	No	No	No	No	DA Staff/Probation
II. EXPANDED BASIC MODELS						
1. Cincinnati	Several Court Units	Letter	No	No	No	RC/Probation[2]
2. Salt Lake City	Probation/ Non-Profit	No	No	No	No	Probation
III. VICTIM ASSISTANCE MODELS						
1. Las Vegas	Court Admin. Unit	Yes	Yes	Yes	No	Probation
IV. VA/OA MODELS[3]						
1. Oklahoma County	Court Admin. Unit	Yes	Yes	Yes	No	RC
2. Tulsa County	Court Admin. Unit	Yes	Yes	Yes	No	RC
3. Rapid City	Court Admin. Unit	Yes	Yes	No	No	RC
V. OA/VA MODELS[4]						
1. Anne Arundel County (CAP)	Independent	Yes	Yes	Yes	No	RC
2. Quincy	Quasi-Independent	Usually	Not Usually	Yes	No	RC
VI. COMMUNITY ACCOUNTABILITY MODELS						
1. Seattle	Independent	Yes	Yes	Yes	Yes	RC & Panel
2. Dorchester	Quasi-Independent	Yes	Yes	Yes	Yes	YC[5]
3. Lowell	Independent	Yes	Yes	Yes	Yes	YC

[1] From An Overview of Restitution Program Models in the Juvenile Justice System, Institute of Policy Analysis, March, 1978.
[2] RC refers to a restitution coordinator or person with similar title whose major responsibility is restitution.
[3] Victim Assistance/Offender Accountability.
[4] Offender Accountability/Victim Assistance.
[5] YC refers to a youth counselor other than probation officer of the restitution coordinator.

5.1 Monitoring and Evaluation

As indicated in Chapter Four, replicators of the Community Arbitration Project should allocate sufficient resources and pay careful attention to the collection and analysis of project data. An ongoing monitoring and data collection system is essential both for assessing the proper functioning of day-to-day activities and for measuring success in meeting project goals. A discussion of monitoring and data collection for projects similar to CAP is followed by a discussion of program impact evaluation.[7]

5.1.1 Monitoring

Monitoring involves the observation and collection of data regarding project operations and client performance. The primary purposes of monitoring activities are to determine whether the project and its clients are meeting the standards established in the planning stage. In addition, the information gathered by project monitors can be used as a basis for decisions to vary project operations when it is determined

---

[7] Several useful discussions regarding general guidelines for monitoring and evaluating projects like CAP have been published. These include: James Beha, Kenneth Carlson, Robert H. Rosenblum, Sentencing to Community Service (Washington, D.C.: Government Printing Office, 1977), Chapter Four, "Monitoring and Evaluation." Daniel McGillis, Joan Mullen, Neighborhood Justice Centers (Washington, D.C.: Government Printing Office, 1977), pp. 80-86; Robert H. Rosenblum, Carol Holliday Blew, Victim/Witness Assistance, Chapter Four, "Monitoring and Evaluation," for the U.S. Department of Justice, LEAA, in press. See also, S. Adams, Evaluative Research In Corrections: A Practical Guide, (LEAA, 1975); R. Rovner-Pieczenik, Pretrial Intervention Strategies: An Evaluation of Policy-Related Research and Policymaker Perceptions (ABA Corrections Committee, 1974); Joan Mullen, The Dilemma of Diversion: Resource Materials on Adult Pre-Trial Intervention Programs (LEAA, 1974); Frank Zimring, "Measuring the Impact of Pretrial Diversion from the Criminal Justice System," 41 University of Chicago L. Rev. 224 (1974).

that standards are not being met or when new standards or policies are implemented. The following key steps in CAP operations should be monitored on an ongoing basis.

Intake--All police citations against juveniles are forwarded to Intake where the youths eligible for CAP are screened out from those who are not eligible. Monitoring the screening process is important to determine whether all eligible youths are being referred to the project and also to determine whether any ineligible youths are being referred. Recently, the State's Attorney's Office expressed concern over what it believed to be inappropriate referrals to CAP. Relying on its careful monitoring procedures, project staff were able to satisfy the Office that CAP was not exceeding its mandate to process only youths who are first or second offenders. In addition to number and type of prior offenses, eligibility for CAP is determined by type of current offense (see Figure 3.1, supra), which is also monitored by the project.

The Arbitration Hearing--Monitoring the hearings serves as a check on the arbitrators' discretion and provides the arbitrators with information on the consistency of their dispositions. By tracking the outcome for similar types of cases, an arbitrator's decisions can be compared over time and compared with those of others handling similar cases. Other Arbitration Hearing information relevant to project goals and functions might include the number and type of cases in which victims appear and in which youths or their parents employ an attorney.

CAP arbitrators have five decision options: 1) close the case for insufficient evidence, 2) close the case with a dispositional warning, 3) forward the case to the State's Attorney, 4) informally adjudicate the case, and 5) continue the case for further investigation. Monitoring the relative frequency with which options are selected will assist in determining the appropriateness of police citation activities and the intake screening procedures. For example, if the number of cases closed for insufficient evidence increases significantly, the project's police liaison officer may discuss the trend with the police chief in an effort to improve police investigations. Finally, a critical data element at the hearing stage is the appearance rate. Although CAP is voluntary, those youths referred who

choose not to participate must be processed by traditional intake. Without careful monitoring and follow-up of non-appearances, CAP might become a gap for delinquent youths to slip through the juvenile justice system.

Client Performance--Many of the CAP clients are assigned to counseling or community service and the field site supervisors solicit feedback from counselors and community agencies in which the youths perform their service. Since, in general, counselors and community agencies are not accustomed to this kind of monitoring, the project must provide the mechanism and the incentive to respond. This may require:

- Notifying the community agency in advance of the assignment.
- Establishing a time schedule for completion of assignment with the youth, the field site supervisor, and the counselor and/or service recipient.
- Verification by the field site supervisor that the timetable is acceptable to those involved and that it is being adhered to during the course of the assignment.
- Reporting successful completion of assignment or failure to complete with explanation or comments.

As noted in the monograph Sentencing to Community Service, "the credibility of the project as a dispositional alternative depends critically on the reliability of these follow-up mechanisms. It must be clear to both the court and the offender that an intent exists to carry out the mandate of the [arbitrator], that the project will find out about departure from this mandate, and that the capability exists to impose sanctions for non-compliance. Thus, the visibility of the monitoring system is at least as important as any other aspect of its operation."[8]

---

[8] Sentencing to Community Service, pp. 47-48.

5.1.2 Evaluation

Evaluation of project success requires measuring the difference caused by project operations and/or measuring the rate of improvement in the juvenile justice system attributable to project operations. The measures used are determined by project goals and availability of data. CAP's goals are: 1) to reduce recidivism of CAP youths; 2) to reduce the burden on the criminal justice system; and 3) to involve victims and the community in the juvenile justice system.

The preferred research design for evaluating project impact on recidivism is a true experimental design. However, before undertaking an experiment to test the effects of the project on client recidivism, replicators should consider the CAP findings reported in Chapter Four and determine whether conditions in their locale are sufficiently similar to Anne Arundel County to presume that a similar experiment will yield similar results. If local conditions are significantly different in the replicator's experimental jurisdiction, an independent evaluation to test the hypothesis that CAP reduces recidivism may be appropriate. The design used by CAP can be replicated in most jurisdictions. A potential pool of project clients are identified at intake. Each youth is randomly assigned (for example, by a flip of a coin) into an experimental or control group. Experimental group members are exposed to CAP processing and their level of delinquency (defined as receiving another citation or rearrest) is assessed before, during and after participation in the project. Control group members do not participate in the CAP process during the evaluation period and comparable measures of delinquency are gathered for them. If recidivism rates for CAP youths are significantly lower than for control youths the experiment would allow one to be relatively confident in attributing the reduction to some aspect of the program.

A more elaborate design which includes a number of experimental groups, each being exposed to the basic CAP process with or without one particular feature, might enable a researcher to determine which specific aspects of the program contribute most to reduced recidivism. The extent to which the research design can control for various project components depends on the size

of the samples. For most projects, the pool of eligible youths will not be large enough to create more than one experimental group. The smaller the sample sizes the less confidence can be attributed to statistical differences. Samples with fewer than 500 cases per group have only an 80 percent chance of detecting effects like those shown by the CAP program. Experimentation, therefore, may not be cost-effective in programs which serve relatively few clients per year.

In analyzing the results of such an experimental design, both successful and unsuccessful project participants must be viewed in the aggregate for comparisons with the control group. Since the process of referring CAP youths back to traditional intake for failure to comply with project rules "serves as an in-program device to separate program successes and failures, those who successfully complete [the CAP] program would be expected to perform consistently better than the control group which contained individuals who might have been revoked had revocation been available. Thus, no valid comparisons between experimentals and controls can be made unless the experimental group contains all participants initially assigned to the program".[9] However, for purposes of analyzing frequency of recidivism, those youths, either control or experimental, who have excessive numbers of repeat offenses may be treated differently. Because parametric tests, such as the t and f tests, are unduly sensitive to cases with extreme values; clients with unusually high recidivism rates may distort the statistical results. The analyst should explore robust techniques such as data transformation, weighted least squares, or exclusion of outliers to avoid being misled by such extreme cases.

The evaluator must have access to police files in order to accurately determine the rearrest rate of youths involved in the experiment. This may mean that all youths who do not reside in the county in which the project is located should be excluded. Further, it is important to collect demographic data on both experimental and control group youths both to validate

---

[9] Robert Rosenblum and Debra Whitcomb, Montgomery County Work Release/Pre-Release Program: An Exemplary Project, U.S. Department of Justice, LEAA (Washington, D.C.: Government Printing Office, 1978), p. 82.

the randomness of sample selection and to identify those particular youths on which the project has the greatest impact. Some basic variables of analysis include age, sex, level of education, race, prior record and type of current offense. As summarized in the Exemplary Project Manual for Project New Pride,[10] projects conducting a study of client recidivism should:

- employ a true experimental design with a randomly selected control group, pre- and post-treatment measures, and appropriate statistical analyses if at all possible.

- develop a mechanism for reliably collecting arrest (or whatever other measure is chosen) data from the police for both experimental and control groups.

- collect data on experimental and control demographic characteristics, criminal histories, etc., from the probation department and notify probation officers of your need for thorough and reliable data.

- analyze offense data by type of offense so that status offenses can be separated from other offenses. This technique also enables the researcher to gauge the seriousness as well as the volume of experimental and control group offenses.

- analyze offense data in terms of the demographic characteristics and criminal histories of the subjects as well as in terms of educational and employment achievements.

- determine whether control subjects have participated in other programs during the at-risk period. Analyze the data in terms of control program participants vs. non-participants, and if possible by their degree and/or type of program participation.

Evaluation of the other project goals--reducing the burden on, and involving victims and the community in, the juvenile

---

[10] Carol Holliday Blew, Daniel McGillis, Gerald Bryant, Project New Pride: An Exemplary Project, U.S. Department of Justice, LEAA (Washington, D.C.: Government Printing Office, 1977), pp. 77-78.

justice system--requires data collection regarding project and system operations. Achievement of each goal is best measured by comparing "baseline" or pre-project data against comparable data collected during several stages of project operations. Thus, for example, to measure increased involvement of victims and the community in the juvenile justice system, replicators should first determine the extent, if any, of such involvement in the traditional system. This may already have been determined by a needs assessment in the planning stage. By comparing these pre-project data with data collected during the project's development, increases in victim and community participation can be measured and attributed to project implementation or changes in project activity. Some of the data elements that are relevant to the latter two project goals are presented in Figure 5.2 below.

In many jurisdictions, baseline, or pre-project, data will not be available on many, if not all, of these elements. However, by collecting data on the relevant parts of the juvenile justice system and the project, the degree of project success can be assessed during the life of the project. Indeed, it is sometimes more effective to assess goal achievement by comparing early project results with the results of the project as it develops. A consistent and continuous data collection system might increase the validity of the data being compared, and eliminate the need to control for changes in the environment between pre- and post-project operation which might increase the confidence of the evaluation findings. For example, it was not clear to the CAP staff whether the increase in the number of juveniles at intake was due to the implementation of the police citation method, the existence of CAP or an actual increase in juvenile misbehavior.

LEAA's National Institute of Law Enforcement and Criminal Justice has designated CAP an Exemplary Project in part because of its ability to document its success in achieving its goals. For most criminal justice projects, such documentation depends on careful monitoring and data collection efforts and evaluation of project impact. This is not always easy or inexpensive, but it is always worth the effort and cost, for without the effort a project's actual impact and effectiveness may remain unknown.

Figure 5.2
DATA ELEMENTS FOR EVALUATING ACHIEVEMENT OF CAP GOALS 2 AND 3

	Months Prior to Project				Months After Implementation			
	9-12	6-9	3-6	0-3	0-3	3-6	6-9	9-12
Goal 2								
Reducing the Burden on the Criminal Justice System								
Courts:								
Number of:								
hearings								
trials								
appeals								
dismissals								
Average Time Per Case								
Type of dispositions:								
1								
2								
3								
n								
State's Attorney's Office:								
Number of cases								
Number dropped								
Average time per case								
Type of disposition:								
1								
2								
3								
n								
Police:								
Number of arrests/citations by type:								
1								
2								
3								
n								
Time per arrest/citation								
Travel time								
Court time								
Traditional Intake:								
Number of juveniles processed								
Amount of time per client								
Type of disposition:								
1								
2								
3								
n								
Goal 3								
Involving Victims and The Community in the Criminal Justice System								
Number of victims notified of case								
Number of victims present at hearing								
Number of community groups cooperating in juvenile justice system								

5.2 Relationship with the Criminal Justice System

Almost all juvenile court jurisdictions operate with an intake screening component. The degree of latitude and discretion available to intake screening personnel is, however, dependent on the jurisdiction's juvenile laws and any guidelines established by the administering agency, prosecutor, or judge. Clearly, these factors will influence various aspects of program design such as type of offense to be referred, the period of informal supervision youngsters are placed under, and the prior record of youths referred. In addition, replicators must be careful to meet the evolving standard of confidentiality determined by state law. In replicating the CAP model care must be taken to insure that (a) all statements made are confidential and cannot be used in subsequent juvenile adjudicatory or criminal or civil litigation proceedings and (b) the process in no way operates to deny the accused an opportunity to a full trial on the merits.

Arrangements and relationships established with local police, prosecutors, and the judiciary are critically important to successful project operations. Prosecutors and members of the judiciary must be involved from the inception. These individuals should play a role in developing due process and eligibility guidelines for referrals. Their decisions may determine whether the project will have broad guidelines as CAP does, or narrow eligibility criteria involving only a limited number of offenses and referrals. Unless these individuals agree that the project is providing suitable services and will be responsive to court needs by providing objective information, they may withhold their cooperation, without which a project could not operate.

5.3 Project Operation

Replicators should consider at least two factors regarding the internal operations of CAP: staffing and relationships with community agencies. All CAP program staff have had experience with juveniles. The arbitrators are attorneys with experience in juvenile justice and other staff worked in local community

Counselling is often prescribed as part of the CAP agreement.

agencies prior to joining CAP. CAP chose lawyers to serve as arbitrators for a number of reasons which were discussed in Chapter 3. The importance of using lawyers relates primarily to the issue of legal sufficiency. Whether or not a non-lawyer, familiar with juvenile law and trained in the intake process, could perform this function as well is still an open question. However, as noted in Chapter 4 above, the CAP arbitrators deny a greater percentage of their cases for insufficient evidence than do traditional intake workers.

Replicators should develop a large pool of community agencies in which they can place their clients. Unless all eligible youths can be served by the program and unless there is a good fit between the youth and the placement, the project's operation may be criticized for being unfair or inappropriate.

CAP has been able to secure over 100 community agencies for volunteer placements in part because JSA had established relations with a number of agencies serving youths prior to CAP development. Typically, securing employment for youths--even for volunteers--is difficult because organizations are reluctant to take on unskilled youths who may require a large amount of training and supervision. CAP has recognized this and interviews agencies to determine their particular concerns which may include: gender preference; age range of volunteers; exclusion of youths committing particular offenses; special skills needed; agency schedule and availability of supervisors; number of referrals at one time. In addition, CAP field site supervisors continually monitor youth performance to ensure agency satisfaction and to ensure that CAP objectives are adequately being met.

In short, there are no major barriers to replication of the Community Arbitration Project. However, as with many sound concepts, a key factor contributing to the success of CAP is the quality of the personnel involved. Close and continuous supervision by informed and educated individuals is essential for project success. This requires a genuine commitment by the system to the CAP concept, adequate resources to hire an experienced administrator and competent staff, and a recognition for the need and an understanding of the methods of monitoring and evaluating project operations.

APPENDIX A: ANNE ARUNDEL COUNTY CITATION

APPENDIX A

ANNE ARUNDEL COUNTY-JUVENILE CITATION No.

Juvenile's Last Name First Middle Alias

Full Address

Phone Date of Birth

Race Sex Age Hgt. Wgt. Hair Eyes Comp.

School and Grade and/or Place of Employment

Father's Last Name First Middle I. Phone

Father's Full Address (if different)

Mother's Last Name First Middle I. Phone

Mother's Full Address (if different)

Offense Case No.

Date of Offense Date Citation Issued

Complainant Address

YOU ARE HEREBY NOTIFIED TO APPEAR ON THE____ day of____ ____, 19____, at_____ at the Dept. of Juvenile Services, 50 Cathedral St., Annapolis, Maryland, Phone 224-1362.

Your failure to appear may result in filing a petition for Formal Court Action.

I HEREBY ACKNOWLEDGE RECEIPT OF THIS CITATION AND PROMISE TO APPEAR ON THE DATE AND TIME SPECIFIED.

I FURTHER HAVE BEEN ADVISED OF MY RIGHT TO HAVE COUNSEL APPEAR WITH ME.

I FURTHER STATE THAT THE ABOVE INFORMATION IS TRUE TO THE BEST OF MY KNOWLEDGE.

MSP AACoPD APD

Other:

Juvenile's Signature

Parent/Guardian Signature

Issuing Officer ID No.

District Beat Division

APPENDIX B: NOTICE AND ADVICE OF RIGHTS

NOTICE AND ADVICE OF RIGHTS
(FOR ARBITRATION HEARINGS)

This hearing is called "Arbitration". It is a juvenile proceeding and not an adult criminal court. However, what you're charged with if you were an adult would be a criminal offense. If you are asked for purposes of employment "Have you been arrested," the answer is "no." This hearing and all of the records connected with it are confidential. That is they are not open to the public but are maintained privately within our department and cannot be seen by anyone outside the Department of Juvenile Services except upon court order for good cause shown.

This hearing is also voluntary to a certain degree, meaning that you have a choice of whether or not you wish to have this hearing. If you do not wish to have this hearing then the case will be sent directly to formal court or to a juvenile intake officer. If you decide to have this hearing the case may still be sent to formal court. However, if you and the arbitrator agree, the case might instead be taken under informal supervision for a period of ninety days during which time you may be required to perform volunteer work for the community, attend counseling, or safety courses or otherwise follow the recommendations of the arbitrator. Depending on the circumstances and the evidence presented the case might also be closed with a warning or denied for insufficient evidence.

Because of the nature of this proceeding you have the right to have an attorney represent you and be present at this hearing. If you or your parents cannot afford an attorney the State has an obligation to provide you with one and you will be referred to the office of the Public Defender. You also have the right to have witnesses appear and speak on your behalf. What you say in this hearing cannot be used in formal court against you to determine whether or not you have committed the acts alleged in the complaint. The complainant has the right within fifteen (15) days from the date of this hearing to request, in writing, that the State's Attorney review this case. If he disagrees with the decision of the Arbitrator he could file a petition removing this case to formal court in which case anything that was done in the arbitration hearing would be void--that is having no meaning or consequence whatever.

EXEMPLARY PROJECTS REVIEW BOARD

Members of the Exemplary Projects Review Board in August 1978, when the Community Arbitration Project was selected were the following:

State Officials

John Parton, Executive Director
Office of Criminal Justice Programs
Columbia, South Carolina

Paul Quinn, Director
Division of Criminal Justice
Department of Local Affairs
Denver, Colorado

LEAA Officials

Mary Ann Beck, Director
Model Program Development Division/ODTD
National Institute of Law Enforcement and Criminal Justice

Robert Diegleman, Director
Planning and Evaluation Division
Office of Planning and Management

James Howell, Director
National Institute of Juvenile Justice and Delinquency Prevention
Office of Juvenile Justice and Delinquency Prevention

Warren Rawles, Chief
Corrections Management and Facilities Branch
Office of Criminal Justice Programs

Benjamin Renshaw, Director
Statistics Division
National Criminal Justice Information and Statistics Service

James Swain, Director
Adjudication Division
Office of Criminal Justice Programs

James Vetter, Chief
Police Section
Office of Criminal Justice Programs

Henry S. Dogin
Administrator
Ex Officio

☆ U.S. GOVERNMENT PRINTING OFFICE : 1979 O—281-380 (1667)